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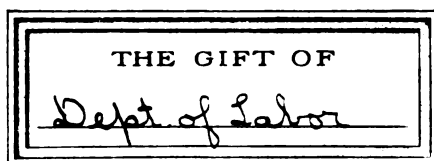
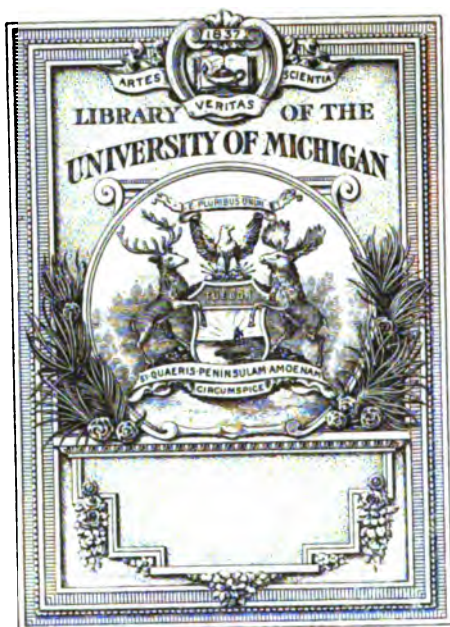
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NEW YORK STATE DEPARTMENT OF LABOR.

FOURTH ANNUAL REPORT  
OF THE  
COMMISSIONER OF LABOR

• For the Twelve Months Ended September 30,

1904.

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TRANSMITTED TO THE LEGISLATURE APRIL 17, 1905, AS PART I OF THE FOURTH  
REPORT OF THE DEPARTMENT OF LABOR.

---



ALBANY  
BRANDOW PRINTING COMPANY  
STATE LEGISLATIVE PRINTERS

1905

**FOURTH ANNUAL REPORT**  
**OF THE**  
**STATE DEPARTMENT OF LABOR.**

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**VOLUME I.**

- A. GENERAL REPORT (containing the annual reports of the Commissioner of Labor and the Superintendent of the Free Employment Bureau, reviews of labor legislation, judicial decisions relating to labor, etc.).
- B. ANNUAL REPORT OF THE BUREAU OF MEDIATION AND ARBITRATION (*eighteenth of the series*).
- C. ANNUAL REPORT OF THE BUREAU OF FACTORY INSPECTION (*nineteenth of the series*).

**VOLUME II.**

**TWENTY-SECOND ANNUAL REPORT OF THE BUREAU OF LABOR STATISTICS.**

# STATE OF NEW YORK

---

No. 62 A.

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## IN ASSEMBLY,

APRIL 17, 1905.

FOURTH ANNUAL REPORT

OF THE

## COMMISSIONER OF LABOR.

---

STATE OF NEW YORK:

DEPARTMENT OF LABOR,

ALBANY, April 17, 1905.

*To the Speaker of the Assembly:*

SIR.—I herewith transmit my report for the twelve months ended September 30, 1904, containing a review of the year's work as set forth in the reports of the several Bureaus of the Department, the report of the Superintendent of the Free Employment Bureau, a summary of the labor legislation and judicial decisions relating to labor, etc.

Yours very respectfully,

JOHN McMACKIN,

*Commissioner.*

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order, 2-17-06  
g.



## ROSTER OF OFFICERS AND EMPLOYEES.

JOHN McMACKIN, Commissioner.....	Albany.
JOHN WILLIAMS, First Deputy Commissioner.....	Albany.
JOHN LUNDRIGAN, Second Deputy Commissioner.....	Albany.
ADNA F. WEBER, Chief Statistician.....	Albany.
RICHARD GILLELAND, Mediator of Industrial Disputes .....	New York.
THOMAS A. KEITH, Assistant to First Deputy Commissioner.....	New York.
THOMAS A. BRANIFF, Assistant to Second Deputy Commissioner.....	Albany.
DANIEL O'LEARY, Superintendent of Licenses .....	New York.
HENRY C. SOUTHWICK, Statistical Clerk.....	Albany.
LEONARD W. HATCH, Statistician.....	Albany.
GEORGE A. STEVENS, Statistician.....	New York.
DAVID J. NAUGHTIN, Statistician.....	New York.
MICHAEL J. REAGAN, Special Agent.....	Albany.
WILLIAM E. PETTIT, Special Agent.....	Albany.
DANIEL W. O'CONNOR, Special Agent.....	Albany.
CHARLES G. BLOETE, Special Agent.....	New York.
THOMAS J. HAMMILL, Clerk.....	New York.
JESSIE M. SWEENEY, Clerk.....	Albany.
JAMES S. LYONS, Clerk.....	Albany.
KATE SHAFFER, Clerk.....	Albany.
ELECTA R. LOCKWOOD, Clerk.....	New York.
JOSEPH H. MIDDLETON, Clerk and Statistician ( <i>since Jan. 11, 1904</i> ).....	Albany.
CHARLES WHELAN, Confidential Clerk.....	New York.
GEORGE E. DAYTON, Clerk.....	New York.
AMBROSE J. O'NEILL, Messenger.....	Albany.
WINIFRED E. LOCKROW, Stenographer.....	New York.
CHARLES F. MILLER, JR., Clerk ( <i>since May 16, 1904</i> ).....	Albany.
GEORGE W. RUSSO, Clerk ( <i>since May 23, 1904</i> ).....	Albany.
JOHN T. GORMAN, Clerk ( <i>since June 1, 1904</i> ).....	Albany.

### DEPUTY FACTORY INSPECTORS.(a)

LUMAN S. ARNOLD,	CHARLES M. LESSELS,
CHARLES B. ASH,	WILLARD G. LOWNSBERRY,
JOSEPH M. BRODY,	FRANK S. NASH,
JAMES DAVIE,	WILLIAM J. NEELY,
JOHN A. DONALD,	JOSEPH O'ROURKE,
MATTHEW J. FLANAGAN,	SILAS OWEN,
WILLIAM FORD,	CHARLES H. ROBERTS,
CHARLES L. HALBERSTADT,	HENRY L. SCHNUR,
DENNIS J. HANLON,	JEFFERSON B. SLITER,
GILBERT I. HARMON,	JAMES N. STEWART,
LOUIS A. HAVENS,	DENNIS C. SULLIVAN,
GEORGE L. HORN (9½ mos.),	WILLIAM E. TIBBS,
JAMES W. IRELAND,	WILLIAM W. WALLING,
CHARLES KINNEY ( <i>since Nov. 1, 1903</i> ),	DAVID S. YARD.

<sup>a</sup> Cornelius S. Conde retired Nov. 15, 1903, and Herbert H. Reynolds, Nov. 10, 1903. For the inspection districts see Report on Factory Inspection, pages 7 and 8

MISS ANNA C. BANNON,  
MISS ANGIE M. BROWN,  
MISS MARGARET FINN,  
MISS LILY F. FOSTER,

MRS. REBECCA B. GOURLIE,  
MRS. ANNIE L. GREENE,  
MISS KATE L. KANE,  
MRS. ELLA NAGLE (4 mos.),

MISS JOSIE A. REILLY.

DEPUTY MINE INSPECTOR.

CHARLES M. GILMORE.....Binghamton.

FREE EMPLOYMENT BUREAU.

JOHN J. BEALIN, Superintendent.....107 East 31st St., N. Y. City.  
JESSIE BOLIN, Clerk.....107 East 31st St., N. Y. City.  
EDWARD MURPHY, Laborer.....107 East 31st St., N. Y. City.

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# I.

## REPORT OF THE COMMISSIONER.

In response to the Commissioner's recommendations a year ago, the Legislature provided in the supply bill of 1904 for an additional statistician and three additional clerks of junior grade. That addition to the staff has yielded most satisfactory results. With regular clerks giving their undivided attention to office work, there has been less need of detailing factory inspectors to headquarters and at the same time the records of the Bureau of Factory Inspection at the close of the fiscal year were in a better condition than they have been for many years. The only other change in the personnel of the Department was the appointment of Charles Kinney, of Vineyard, Chautauqua county, as a Deputy Factory Inspector, vice Herbert H. Reynolds of Malone, resigned.

The itemized expenditures, as audited by the State Comptroller, were as follows:

### EXPENDITURES IN FISCAL YEAR OCTOBER 1, 1903, TO SEPTEMBER 30, 1904.

Salary of Commissioner of Labor.....	\$3,500 00
Services of deputies, factory inspectors, special agents, clerks, messengers, etc.....	85,505 59
Expenses of Commissioner of Labor.....	1,464 82
Expenses of deputies, inspectors, special agents, etc.....	24,106 18
Printing and Bulletins.....	7,002 36
Books, newspapers and press clippings.....	462 65
Extra stenographic services.....	159 15
Telephone, telegraph and messenger service.....	870 12
Cleaning offices.....	220 00
New typewriters, repairs and supplies.....	162 03
Computing machine.....	200 00
Rent of the New York office.....	1,050 00
Postage .....	1,815 48
Transportation of packages.....	2,434 21
Miscellaneous expenses.....	945 47

**\$129,898 06**

### *Free Employment Bureau.*

Services of superintendent and clerks.....	\$4,265 08
Postage .....	600 00
Advertising .....	154 30
Other expenses of the bureau.....	416 19

**5,435 57**

**\$135,333 63**

The total expenditures were thus \$135,333.63, or practically the same as in the preceding year, the increase in the appropriation for salaries having been counterbalanced by a reduction in the traveling expenses of the Department's employees. This reduction was sufficiently large to counterbalance also a considerable increase in the item of printing, caused by the revision of the tenement house labor law, the preparation of special reports for the Louisiana Purchase Exposition, etc.\*

#### DEPARTMENTAL EXHIBIT AT THE ST. LOUIS EXPOSITION.

Considerable time was devoted in the winter of 1903-4 to the planning and preparation of an exhibit at the Louisiana Purchase Exposition, for which the State Commission, in October, 1903, appropriated the sum of \$1,000. The most essential feature of such an exhibit would of course be a set of the printed reports which record the actual results of the Department's work from year to year. But the department possessed only one complete set of its reports and considerable difficulty was found in collecting a duplicate set, the first report of the Bureau of Labor Statistics (1883) in particular having become very scarce. After a long search a copy of the 1883 report was found in a second-hand bookstore and the set of 61 volumes thereby completed. They were ordered bound in full Morocco leather with gilded edges at an expense of \$2.35 a volume. The general color of the binding was brown, but slightly different shades were

\* As a result of the organization of the Department of Labor in March, 1901, the supply bill of that year (chap. 645) reappropriated a portion of the amount not already expended by the several bureaus consolidated. The table gives simply the original appropriations to the three bureaus.

	1901. ch. 419 of '00.	1902. ch. 644 of '01. ch. 594 of '02.	1903. ch. 593 of '02. ch. 599 of '03.	1904. ch. 598 of '03. ch. 729 of '04.
<b>PERSONNEL.</b>				
Number of officers and employees (average).....	88	66	65	67
<b>APPROPRIATIONS.</b>				
For salaries.....	\$116,564	\$86,622	\$87,400	\$89,760
For traveling expenses.....	29,461	23,000	25,000	25,000
For printing.....	6,155	5,000	5,000	5,000
For postage and miscellaneous.....	9,625	8,400	8,400	7,000
For free employment bureau.	5,000	5,000	5,000	5,000
<b>Total.....</b>	<b>\$166,805</b>	<b>\$128,022</b>	<b>\$130,800</b>	<b>†\$132,110</b>
<b>EXPENDITURES.</b>				
As audited by Comptroller..	\$157,080 75	\$123,779 95	\$135,522 13	\$135,333 63
† Including \$350 appropriated for office shelving to be expended under the direction of the Superintendent of Public Buildings.				

used to distinguish the three independent departments or offices that existed prior to the act of consolidation in 1901. The number of volumes in each of the four bindings was as follows:

	Years.	Annual reports.	Volumes.
Bureau of Labor Statistics.....	1883-1900	18	21
Factory Inspector.....	1886-1900	15	15
Board of Arbitration.....	1887-1900	14	14
Department of Labor.....	1901-1902	2	6
Quarterly Bulletin.....	1899-1903	5	5
<b>Total.....</b>			<b>61</b>

The second feature of the exhibit was a series of colored charts illustrating the industrial development and labor movement of New York. The requisite data having been assembled, pencil sketches of diagrams and cartograms were prepared and turned over for execution to expert draughtsmen employed in the office of the State Architect or other offices in Albany and Rochester. The titles of the charts were as follows:

#### LIST OF CHARTS.

1. Supremacy of New York in Manufacturing Industries (1900).
- New York  
compared with  
Foreign Countries  
as to—

{

2. Foreign Commerce.

3. Industrial Activity as indicated by patents issued.

4. Exchange of Intelligence (mail matter).

5. Wealth (savings banks deposits).
6. Growth of Population, 1664-1900.
7. Growth of Wealth, 1840-1901.
8. Growth of Manufactures, 1810-1900.
9. Distribution of New York Manufactures (by counties), 1850 and 1900.
10. Rank of New York in the 15 Groups of Manufactures, 1900.
- Distribution  
of  
Industries.

{

11. Clothing Industry.

12. Metals, Machines, Conveyances.

13. Food, Tobacco and Liquors.

14. Printing and Paper Goods.

15. Building Industry.

16. Wood Manufactures.

17. Chemicals, Paints, Illuminants.

18. Textiles.

19. Leather and Rubber Goods.

20. Stone, Clay and Glass Products.
21. Diminution of Unemployment, 1897-1903.
22. Stability of Employment, 1897-1903.
23. Growth of Organized Labor, 1894-1903.
24. Trade Union Members in the Various Industries, 1894-1903.
25. Trade Union Members in the Various Cities in 1903.
26. Expenditures of Department of Labor, 1883-1903.
27. Factory Inspection, 1886-1903.
28. Free Employment Bureau, 1897-1903.

Eleven of the 28 charts exhibited at once the rank of New York as a manufacturing state and the industrial development of its several counties and were executed upon outline county maps especially engraved and printed for the purpose. The charts, which were of a uniform size, were mounted on cards 22 x 28 inches and enclosed in a wall cabinet, the lower part of which contained book shelves for the bound reports. The draughting of the charts cost \$325.15, or an average of \$11.60 each, exclusive of the engraved maps.

The third feature of the exhibit was a series of monographs for distribution among such visitors to the Exposition as were particularly interested in the subject. Four pamphlets 5 x 7 inches were printed under the following titles:

- I. Typical Employers' Welfare Institutions in New York (30 pages and 4 illustrations). By George A. Stevens and Leonard W. Hatch.
- II. Labor Legislation in New York (30 pages). By Adna F. Weber.
- III. The Work of the Department of Labor (42 pages, with tables and charts). By Adna F. Weber and Leonard W. Hatch.
- IV. The Growth of Industry in New York (60 pages and charts). By Adna F. Weber.

Most of the illustrations in these pamphlets were made by photographic (half-tone) process from the large charts exhibited, and in some cases failed to bring out the distinctions made in the originals by different colors; but limitations of time and expense prevented the employment of colors in the printing. The exhibit received from the jury of award two grand prizes,—these being the highest class of awards.

#### ENFORCEMENT OF THE LABOR LAWS.

Four distinct lines of work are undertaken by the Department of Labor, namely, the enforcement of the factory and other labor laws (Bureau of Factory Inspection); the adjustment of controversies between employers and employees (Bureau of Mediation and Arbitration); the investigation of industrial conditions (Bureau of Labor Statistics); the bringing together of employees seeking help and workers seeking positions (Free Employment Bureau in New York City). The variety of work involved in the enforcement of the labor laws may be illustrated by a table of the complaints received and investigated by the Department in the year ended September 30, 1904.

## COMPLAINTS INVESTIGATED BY THE DEPARTMENT OF LABOR.

PARTS OF LABOR LAW UNDER WHICH COMPLAINT WAS MADE.	Sus-tained.	Sus-tained in part.	Not sus-tained.	Place closed; not found etc.]	Total 1904.	1903.
1. Public work (Art. D).....	119		269	42	430	7
2. Convict-made goods (Art. IV).....						
3. Apprenticeship (§87).....						
4. Hours of labor in brick-yards or on railways (§§5-7).....	1				1	
5. Payment of wages (§§8-10).....	4		1	3	8	12
6. Seats for female employees (§17).....						1
7. Construction work (§§18-20).....	1				1	
8. Union label (§§15-16).....						
9. Factories, Bakeries, Mines:						
Factories (Arts. V-VI).....	369	23	261	15	658	525
Tenement work (Art. VII).....	124		101	9	234	240
Bakeshops (Art. VIII).....	59	8	29	8	104	164
Quarries and mines (Art. IX).....						
10. Matters outside the Department's jurisdiction.....	20	2	25		47	35
Total.....	687	33	686	77	1,483	984

The total number of complaints in the year was 1,483, of which the largest number related to factory work, followed by complaints under the eight-hour and alien-labor regulations for public work. Of the 658 complaints under the factory law proper, a majority (345) pertained to sanitary conditions, while 241 related to the employment of children and 56 to the employment of women and minors.

## PUBLIC CONTRACT WORK.

Owing to the numerous complaints of unlawful conditions maintained by contractors for the construction of public works in Greater New York, the Department was obliged to devote considerable attention to that feature of its work. The duration of the working day has long been the principal bone of contention between workingmen and contractors and while the mechanics in the building trade of the metropolis have won the goal of a whole generation of aspiration and effort—the eight-hour day—the unskilled workmen who perform the necessary manual labor of excavation, paving, etc., have been less successful, for the inexhaustible supply of such labor which may be drawn from European countries of relatively low standards of living renders the elevation of those standards to a level with the American standard exceedingly difficult. Inasmuch, however, as the government is the largest employer of such labor, the problem may be virtually solved by the simple resolution



of the people to adopt for this class of labor the standard to which the artizan class conforms in private employment. New York in common with most of her sister commonwealths adopted that method in the hope of assimilating immigrants to American standards of living and citizenship. To make the law effective, the Legislature also provided that public contractors should also pay the prevailing rate of wages, thereby making it unlawful for the contractor to reduce wages in the same measure that he reduced hours. The wages clause of the law was, however, held to be unconstitutional in 1901 and some of the contractors thenceforward undertook to make the eight-hour clause unpopular by reducing wages when required to reduce working hours from ten to eight a day.\*

Early in 1904 the asphalt workers of New York City became involved in a dispute with the asphalt companies, as narrated in the accompanying report of the Bureau of Mediation and Arbitration (pages 66-71). They complained to the city authorities that the companies were not living up to the statutory and contractual requirements regarding alien labor and the hours of work, and on their representations the Borough Presidents directed their inspectors to stop work whenever they discovered violations of law and even gave notice of annulment

\* Judging from the following communication to the President of the Borough of Brooklyn New York City, in July, 1904, and his comment thereon, the contractors found some sympathizers with their efforts not only in the legal profession, but in the public service as well:

*To the City Labor Department:*

We, the undersigned, wish it to be considered that we have worked for Contractor Dady, residing at No. 350 Fulton street, and have received \$1.50 per day, but now that the Government forces the contractor to allow his men to work only eight hours, he wants to pay us only \$1.20, with which we cannot live, and wish that you would take a part in the matter. The work is at Degraw street and Nevins, laying down a sewer. With this \$1.20 it is hard to support our families. Rent is high and food is dear, so please see to it that we will be paid at least \$1.50. We think that you have children also, and just imagine how you could support a family with \$1.20.

Yours respectfully,

ALL LABORERS OF SAID JOB.

Mr. Littleton made this statement in reply :

The people of the state, through the Legislature, made and enacted what is known as the Labor law, which forbids any contractor working for the city to work more than eight hours per day, or to require or permit his men to work more than eight hours per day.

The labor law also provides that any officer of a municipality who permits any contractor to require or permit his men to work more than eight hours per day is subject to removal. Acting under the direction of this law, I several weeks ago [June 13] instructed all contractors working for the city that the pay for their work would not be forthcoming nor would any estimates be approved if they violated the Labor law. The result is pathetically expressed in the letter herewith submitted. I have nothing to do but to see that the law is enforced and I regret exceedingly that it results in hardship upon the very people whose interests it should have been designed to serve. I am not allowed to disregard it.

I have no power to require the contractors to pay the same price for an eight-hour day as a ten-hour day. The burden of this law is heaviest at its base, which rests upon the shoulders of the men who toil, and yet I am powerless to help them. The letter has aroused my profoundest sympathy and I give it to the public for their enlightenment and consideration.

of the contract,† while the Comptroller stopped payments on some contracts where violations of the law were proved as a result of investigations conducted by the Department. On August 9, however, one of the asphalt companies, whose payments had thus been stopped, obtained a writ of mandamus from Justice White of the Supreme Court requiring the city to pay the money thus withheld. No opinion was handed down, but according to press reports, Justice White granted the writs on the ground that "any violation of the law had been" waived by the city and on the broad proposition of the unconstitutionality of the law." Despite this decision, the Corporation Counsel, in an opinion rendered August 24 (reprinted in Appendix II, page 157 below) held that contractors were bound to fulfill their contractual obligations, and the Borough Presidents of Manhattan and Queens announced that they had canceled contracts with certain of the asphalt paving companies. Work, however, did not stop and in September and October the Department concentrated nearly the entire force of inspectors on the investigation of complaints that alien labor was being employed on municipal contracts in contravention of section 13 of the Labor Law, which restricts such employment to citizens of the United States. As amended in 1902 this section requires public contractors to keep registers of employees "in which it shall

## †NOTICE.

WHEREAS, on or about the \_\_\_\_\_ a certain contract or agreement was made between THE CITY OF NEW YORK, acting by and through me, GEORGE CROMWELL, as President of the Borough of Richmond of the City of New York, and COMPANY by which contract or agreement the said \_\_\_\_\_ COMPANY did agree upon the terms and in the manner in said agreement set forth, to

which said contract or agreement contained, among other things the following provisions:

"The contractor agrees that he will comply with the provisions of Chapter 415 of the Laws of 1897 as amended, known as the Labor Law so far as they are constitutional and applicable to this contract.

He further agrees that no laborer, workman or mechanic in the employ of the contractor, sub-contractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be required to work more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood or danger to life or property."

AND WHEREAS, the said \_\_\_\_\_ COMPANY entered upon the performance of the said agreement or contract and did proceed with the work of therein mentioned;

AND WHEREAS, the said \_\_\_\_\_ COMPANY in the performance of said work did commit a breach of the terms of said agreement and violate the provisions of the Labor Law, Chapter 415 of the Laws of 1897, as amended by Chapter 567 of the Laws of 1899 and Chapter 298 of the Laws of 1900, in that the said \_\_\_\_\_ COMPANY did in and upon said work under said contract, require laborers, workmen and mechanics in the employment of the said \_\_\_\_\_ COMPANY to work during more than eight hours in each calendar day, which said work was not done in cases of extraordinary emergency caused by fire, flood or danger to life or property;

NOW, THEREFORE, I, the said President of the Borough of Richmond of the City of New York, acting as such President and as the officer and agent of the said City and on its behalf, for the reason that the said contract above named in its manner of performance, to wit, in the requirement by the said \_\_\_\_\_ COMPANY that the laborers, workmen and mechanics in his employment upon said contract, should work more than eight hours in each calendar day, is a breach of said contract and a violation of the said Labor Law and the acts amendatory thereto, do hereby declare the said above mentioned contract to be rescinded, void, of no effect and to be canceled and annulled.

Dated, New York,

be set forth whether they are naturalized or native born citizens of the United States, together with, in case of naturalization, the name of the court where such naturalization was granted;" these registers to be open to the inspection of the Commissioner of Labor. The Department investigated 125 large contracts in New York City and found that the law was violated in 121 of the contracts. Of the 6,300 workmen employed it was found that 22 per cent were native Americans, 17 per cent naturalized citizens and 69 per cent aliens. Most of the foreigners, however, enjoy treaty rights of which they can not be deprived by a statute of the State (see opinion rendered by the Corporation Counsel, September 8, reprinted in Appendix II, page 155 below). The most important result of the investigation was probably the unearthing of extensive naturalization frauds, which were subsequently run down by the State Superintendent of the Metropolitan Elections Districts.

On the 29th of November the Court of Appeals declared the eight-hour law unconstitutional in a case brought by a New York City contractor against Comptroller Grout (Appendix II, pages 159 to 170). While the United States Supreme Court in October, 1903, upheld the similar law enacted in Kansas, the New York court felt bound by its own precedent. Doubtless it had also in mind the fact that if the deliberate judgment of the people favored a policy of this kind, it would so express itself upon the constitutional amendment which by resolution of the Legislature will come before the electorate in 1905.\*

\* Thus, a New York City paper, after citing the divergent and conflicting opinions of the various judges concludes as follows:

"A great many laymen who are not overburdened with legal and technical lore, and who only have common sense and justice to guide them, will be inclined to think the dissenting opinion of Judge Haight is sounder than that of the majority of his colleagues. Justice Haight holds, with the Supreme Court of the United States, that an eight-hour law is perfectly constitutional because 'it is a police regulation in the interest of public health and morality.' Certainly, if the Legislature has not the constitutional power to regulate the hours of labor on all public works, including those undertaken by municipalities, it ought to have such authority. It is conceivable that conditions might arise imperatively demanding such rules in the interest of all the people, and it is the voters, through their elected delegates, who should be the final arbiters. The State governs the employment of children and women in factories, mines and tenement houses; it regulates public traffic, often at the expense of the individual; it prescribes in what way apartments shall be built; it enforces vaccination and can do almost anything in furtherance of public health and morality. Why should it not regulate the hours and wages of its own employees?"

In a letter to the press, Dean Alden of the Buffalo Law School, on December 5th, set forth the conflict in judicial opinion as follows:

In your issue of November 30th there is reported a decision of the New York Court of Appeals, handed down on the previous day, annulling as unconstitutional that provision of the labor law of this State which requires a contractor with the State or municipalities to limit the working day of his employees to eight hours. The court holds that this particular provision of the labor law invades the contractor's free right to make such contracts with his employees as he and they are willing to make, and, as a consequence, he is deprived of a right in the nature of property without due process of law—a situation prohibited by both State and Federal constitutions.

The highest court of the State of Kansas had previously concluded that a substantially similar provision in the labor laws of that State is constitutional, and affirmed the sentence of the lower court that a contractor guilty of a wilful violation is guilty of a misdemeanor and punishable accordingly.

Therefore, although the legislatures of these two States have enacted similar laws, with similar penalties for disobedience, the result of these contrary decisions is that in Kansas the

## FACTORY INSPECTION.

Notwithstanding the concentration of the force of inspectors upon the investigation of illegal labor conditions on public contract work, the Bureau of Factory Inspection was able to maintain its usual record of inspections of factories.\* More inspections were made than heretofore in New York City, but some of the interior counties where inspectors had only partially completed their annual tour, suffered by reason of their withdrawal to the metropolis.

The improvement mentioned a year ago in the condition of tenement workshops continued this year and the number of complaints received by the Bureau under this head was somewhat smaller than in 1903. While more licenses were revoked than in 1903 or 1902, the number of applications for license refused was much smaller (242 as against 816 in 1903) as was also the number of shops in which unlawfully manufactured goods were

violator of the eight-hour law may be punished and his contract forfeited, while in New York he is immune from either punishment or penalty; and, in our State, the fact that he had expressly agreed, in his contract with the city, that a violation of the eight-hour law would forfeit his contract is given no effect by the court.

But the wonder and possible regret over the contrast in the situation in the two States becomes increased when it is remembered that about a year ago the Supreme Court of the United States upheld the decision of the Kansas court and decided that the eight-hour law was not an unconstitutional invasion of a property right of the contractor, (*Atkins vs. Kansas* 191, U. S. 307); and yet this decision of what we are accustomed to regard in a general way as the highest court of our land had not the slightest coercive power over our New York court. The reason for it presents a peculiar condition of our national system of jurisprudence. So far as the United States Supreme Court had interpreted and applied the language of the Fifth Amendment of the United States Constitution, viz.: that "no person shall be deprived of life, liberty or property without due process of law," its conclusion was binding upon our Court of Appeals; but the latter court, finding in our State Constitution (Art. 1st, §6) a sentence in exactly identical language was free to interpret and apply it in a way of its own, and directly opposite to the way the court would be compelled to interpret and apply the same sentence in the Federal Constitution. This situation is hard to justify as having any useful result; on the contrary, it is a menace to a harmonious conception of individual rights, reducing the question to a matter of local determination. Where the States have united in a declaration of principles affecting so-called common rights, which declaration has found expression in the United States Constitution, there seems no necessity, or propriety even, in incorporating an identically similar provision in State Constitutions, or, if so incorporated, in permitting a local interpretation of what has become a declaration of national rights.

## \* SUMMARY OF INSPECTIONS AND INVESTIGATIONS, 1903 AND 1904.

	1903.		1904.	
Inspections of factories and quarries.....		35,875		35,239
Factories.....	28,506		27,568	
Tenement workshops.....	3,819		4,326	
Bakeries.....	3,392		3,227	
Mines and quarries.....	158		118	
Tenement workrooms inspected.....		32,042		27,909
Licensed places.....	15,690		15,625	
Unlicensed places.....	261		130	
Places prior to licensing.....	13,955		10,584	
Places prior to licensing (re-investigated).....	801		492	
License refusals investigated.....	1,332		1,078	
Places found closed, burned, removed, etc.....		13,986		14,728
Factories and workshops.....	3,587		4,429	
Tenement workrooms.....	8,690		8,806	
License applicants' places.....	1,759		1,493	
Investigations.....		2,905		11,171
Complaints.....	695		1,084	
Compliancees.....	2,174		9,979	
Accidents.....	36		108	
Total.....		84,808		89,047
Appointments re prosecutions, etc.....		392		126
Special statistical reports collected.....		648		130

tagged with the label, "Tenement Made" (47 as compared with 196 in 1903). Owing to the fact that the amended law, radically changing the system of licensing sweatshops, became effective October 1, 1904, the Bureau issued scarcely any licenses in September and deferred the investigation of applications for license made in the final weeks of the fiscal year 1904. The number of applications investigated in 1904 was therefore about 4,000 under the number of the preceding year.

The number of orders issued to manufacturers and other employers regarding failure to comply with all the requirements of the law was 49,488 which is the average of the past few years. But compliance with the orders issued was secured in much larger proportion than heretofore. This could be accomplished only by sending the inspector on a second visit to see that the changes ordered had been carried out, whenever the factory owner had not reported such compliance himself. These re-inspections require much time and could therefore be carried out only in respect of the more important orders, such as those requiring proper fire protection, safeguards about dangerous machinery, removal of unsanitary conditions, discharge of young children, etc. But the steady improvement in the enforcement of the Departmental orders through such re-inspections is indicated by the fact that the number of compliances investigated has increased from 993 in 1902 and 2,174 in 1903 to 9,979 in 1904. Fewer cases of wilful disobedience of law had to be prosecuted last year than in 1903.

As noted in last year's report, the number of accidents recorded has increased and will continue to increase until the Department has carried to success the policy of recording all serious injuries sustained by workmen in the manufacturing establishments of the State. Only a fraction of such accidents were recorded in earlier years and the record is still far from complete. As the necessity of such a record is very great for the purpose of devising proper remedies and securing protection to the workers, it is regrettable that the improvement in the records of accidents has furnished the basis of criticism of the efficiency of the inspection service. The explanation of the increase of recorded accidents is to be found in the fact that the Bureau of Labor Statistics follows up every accident of which it learns. Only a minority of the managers of factories understand and comply with the law requiring them to report every accident, and it has been necessary for the Bureau in a majority of cases to

make an individual request in the case of each accident. When manufacturers have once become familiar with the law and report all accidents voluntarily, the Bureau's record will be of almost inestimable value as a guide to both administration and legislation.

#### CHILD LABOR.

On October 1, 1903, the beginning of the new fiscal year, the important amendments made by the Legislature in 1903 to the various acts governing the employment of children, went into force. Two new principles appeared in this legislation: (1) The establishment for children under 16 years of age of a maximum nine-hour day in place of the former sixty-hour week and (2) the abolition of special vacation certificates for children who could not satisfy the stricter educational requirements of the regular certificate. More important than these substantive changes, however, were the amendments concerned with the administration of the law, especially with the issuance of certificates of employment. Universal experience has taught the difficulty of enforcing child labor laws in the absence of the most thorough legal evidence of age. The presumption that the affidavit of a child's parent is sufficient evidence to establish its age has invariably proved unfounded, for the reason that a parent who will send children out to become wage earners in their tender years will not scruple at deception in the matter of age. The amendment of 1903 requires documentary proof of age: Every child seeking employment between the fourteenth and sixteenth years must present, in addition to its school record, either (1) a duly attested transcript of the certificate of birth filed according to law with the registrar of vital statistics or (2) a passport, or a certificate of baptism or other religious record showing the date and place of birth of the child, which is to be fortified with the parent's affidavit (see Attorney-General's opinion, page 62 below). The amendments also advanced the educational requirements to a considerable extent.

In preparation for the enforcement of the new law in the factories of the State, the Bureau of Factory Inspection had 30,000 copies printed of poster size, which were distributed by the inspectors in the course of their work. The Bureau also prepared a model certificate which it sent with a letter of explanation to the local health officers, who are charged with the duty of issuing employment certificates. While the requirements of the amended law were quickly met by the health officers in the

larger cities, those in the rural districts and small villages, who were seldom called upon to issue such certificates, did not at first familiarize themselves with the statutes and the inspectors in the course of the year found certificates on file in some factories that in no wise conformed with the law and hence possessed no value. In an eastern county the following statement was handed to an inspector as authority for employing a girl under sixteen years of age:

APRIL 26, 1904.

This is to certify that Miss Mary E. ———, of ———, Rensselaer county, N. Y., is about 16 years of age and well and healthy in every respect and able to perform manual labor.

—————, ———, M. D.

Cases like this, however, were infrequent in comparison with the thousands of certificates issued in strict compliance with the law in the great industrial centers of the State. And the effect of the requirement of documentary evidence of age, coupled with the higher educational requirements, was a marked decrease in the number of certificates issued. In the Borough of Manhattan, New York City, for example, the number of certificates issued for employment in factories dropped from 6,017 in 1903 to 2,446 in 1904,—a reduction of practically sixty per cent. Almost exactly the same ratio of reduction appeared in the figures for Binghamton, one of the smaller cities where the law is carefully followed. In 1904 the Binghamton health officer issued 91 certificates for employment in manufacturing establishments and 47 in mercantile establishments; and in the same period refused 70 applications, on these grounds: Insufficient education 38, insufficient evidence of age, 25, other reasons 7.

As the new law did not affect the legality of certificates issued before it went into effect, it could not of course work any reduction in the number of children 15 years old who were employed by virtue of possessing the old form of certificate. Assuming that the number under the age of 15 years has been reduced by one-half as a consequence of the advanced requirements, the total number of children between 14 and 16 years of age employed in factories would be about three-fourths the number in the previous year. As a matter of fact, the inspectors found 13,389 children of that age in factories visited in 1904, as compared with 18,160 in 1903,—a reduction of 26 per cent. As the aggregate number of employees of all ages was approximately the same in each year, the ratio of child laborers declined from 21 per 1,000 in 1903 to 15.3 per 1,000 in 1904.

The figures, however, cannot be accepted at their full face value, owing to the undoubted fact that some children unable to obtain the necessary certificate for employment went to work with nothing but an affidavit that they had attained the age of 16 years and were therefore absolved from the requirements as to certificates. To hunt up the evidence that would disprove such false affidavits was more than the inspectors could find time to do in the press of other extra work. In looking up suspected cases, the inspectors of course started with the address found in the employer's register; but they early discovered that employers had not verified names and addresses, which were frequently fictitious. This was also a cause of complaint on the part of the truant officers of the Department of Education, New York City, which was notified by the Bureau of the dismissal of children illegally employed in factories. The false register was only one of the several obstacles to be overcome. Another stumbling block was a certificate, issued by principals of night schools in accordance with the provisions of the Compulsory Education Act, that the holder has attended school for a stated period. These were accepted in very many cases by employers as sufficient authority for the giving of employment. The Department of Labor, however, has refused to accept these certificates unless accompanied by a regular certificate issued by the board of health in accordance with the provisions of the Labor Law.

Few realize the amount of work entailed in a prosecution of an employer for violating the Child Labor Law. Where a violation is found by a deputy, the latter reports it, and to secure competent and legal evidence he must revisit the premises accompanied by another deputy as a witness. Then the two deputies must prepare their own papers in each case, must be in attendance at the police magistrate's court and in the Court of Special Sessions. As several adjournments are probable in nearly every case, the amount of time occupied is a very serious loss to the Department. The following report signed by Messrs. Walling and Hammill illustrates the difficulties surrounding a prosecution under the factory law:

On the 26th day of February, 1904, while following up some departmental orders, we had occasion to visit together the factory of Steinberg and Kuttner at 74 Goerck street, in New York City. In the employ of this firm were two little girls, sisters, named Rosa and Lizzie Delucca, who informed us that they were, respectively, fifteen and twelve years of age. Neither child had a certificate from the Board of Health, while one of the proprietors informed



us that Rosa had told him she was fifteen years of age at the time of employment, four or five months previous. As children under sixteen years of age had previously been employed by this firm, we were instructed to prosecute them for the illegal employment of children under the age of sixteen. On the 29th of February, warrants were obtained in Essex Market Court for the above firm, and on the same day we called on the mother of the two girls, who informed us that the elder girl, Rosie, was born on March 17, 1889, while Lizzie was born July 6, 1890. The mother was then requested to sign an affidavit confirming her statements. After the affidavit was read to her in English, she was asked if she understood what she was to sign, or whether she desired to have it translated into Italian. The woman seemed to be proud of her good English and informed us that she thoroughly understood the paper. On March 1st, the defendants appeared in Essex Market Court, but as the two girls were not present, the hearing was adjourned to March 2d, when, for a similar reason, it was again adjourned to March 4th. On this date the father of the girls testified first, that they were twins, then that they were born three months apart, and finally that they were both born in 1882. As the father's testimony was unsatisfactory to the magistrate, the hearing was again adjourned until March 23d in order that the mother, who was then ill, might appear in court. On March 23d, the mother still being unable to appear, the hearing was again postponed until April 7th. On this date, Marie Ciccarelli, the mother of the Delucca girls, testified that her daughters were twins and that they were *sixteen years and four months* old; that she didn't know what year, what month, or what season they were born. On this occasion, she was able to speak nothing but Italian, and on being questioned as to the contents of the two affidavits, stated that she spoke no English, and that she was scared when she signed them. Owing to the physical appearance of the children and the discrepancies in the testimony of the children and their parents, the magistrate held the defendants for trial in Special Sessions. The case was first called for trial in Special Sessions on May 5th, but as neither of the girls or their mother were in court, it was adjourned until May 10th, when the mother appeared without the girls. Another adjournment was taken to May 11th, when the case finally came to trial. Testimony was then given relative to the employment of the girl Lizzie Delucca, which was conceded by the defense, after which the mother testified that both girls were born on the 25th of December, 1887; whereupon, in spite of the physical appearance of the two girls and the affidavit of the mother, taken before she became frightened and forgot all her English, no further evidence was allowed and the defendants were acquitted on both charges.

On account of the repeated adjournments in this case, the inspectors were required to appear in court nine days, with the final result that the proceedings were dismissed as soon as the children's mother had repudiated her testimony to the inspectors.

In another case, Deputy Inspector Walling brought charges against Elias Reiss, a manufacturer, of 300 Monroe street, New York City, who was tried before Magistrate Zeller, January 27,

and acquitted on all charges. (See page 23 of the Report on Factory Inspection.) The particulars of this case as reported by the Child Labor Committee were as follows:

(1) Employing children under sixteen without certificates. Dismissed upon presentation of certificates in court.

(2) Failure to keep register of children. At the trial defendant produced a notebook with incomplete data. Instructed by the magistrate to prepare a large book with complete data. Case dismissed.

(3) Employing children more than nine hours a day. The schedule of hours, posted according to law, indicated 7:30 A. M. as the hour of beginning work, which with the admitted hour of closing made a workday of nine and one-half hours. Defendant alleged that the children began work at 8 A. M. The children, who, at the time of inspection, stated that they began work at 7:30, swore at the trial that they began work at 7:35, 7:38, etc. The inspector produced the employer's schedule in court and called the magistrate's attention to the provision in the law that the presence of children in the factory at any other hours than those stated in the printed notice shall constitute prima facie evidence of a violation of the nine-hour clause. The judge inquired: "Are you a lawyer?" The inspector answered "No," and the judge replying "I am," set aside this form of evidence. The employer's time-cards for successive days showed that the children had begun work at 7:30 A. M., and a mandamus was issued for him to produce the same in court; but the magistrate refused to admit them as evidence, saying that the inspector could not use evidence contrary to his own witnesses (the children). Case dismissed.

One peculiar advantage of the New York Child Labor Law is the high standard of schooling which it establishes as a condition of employment. While it thus puts a premium on studiousness and incites boys who desire to earn money to more diligent study, it has shown up some deficiencies in our schools, particularly in their methods of developing backward children. In large families where it is necessary for the children to go to work at an early age, some hardship ensues if the children fall behind in their studies and are therefore kept in school until they reach the age of sixteen. Charity has relieved many such cases, but many families prefer to suffer in silence rather than ask or accept charity. Reference to this problem is made in the following report of the Child Labor Committee on the first three months' operation of the new law in New York City:

The new law has been in operation since October 1st. During the months of October, November and December certificates were issued to 2,922 children in New York City, or 67 per cent of all who applied; whereas, during the same months of the preceding year certificates were issued to 4,353 children, or 80 per cent of all who applied. The stricter requirements which have caused this change are as follows:

1. A minimum age.
2. A minimum amount of schooling.
3. Proof that the child has been observing the compulsory school law.

For eighteen years the minimum age in New York State has been fourteen years, but not until the present time has any real evidence of age been required. There is good reason to believe that under the old law more than half of the affidavits filed by parents regarding their children's ages were false. Under the new law the parent's word is not recognized as proving age. For every certificate issued there is filed some official or religious paper as evidence of age. From an examination of more than two hundred of these certificates it appears that in 41 per cent of the cases official birth certificates were filed; in 41 per cent, baptismal certificates, and in 11 per cent, confirmation or Jewish "Barmitzvah" certificates. Circumcision certificates and passports are also filed in a few cases. The number who are unable to produce the proof of age required is gratifyingly small, an average of but eighteen a week in the Borough of Manhattan.

In requiring a minimum amount of schooling in addition to a minimum age, New York is in advance of all other States in the Union. The provision is practically that fourteen-year-old children who wish to work must have reached at least the grade of the average twelve-year-old child. In addition to this, children must prove over their principal's signature that they have been keeping the school law—that is to say, have been attending school regularly up to the age of fourteen years. The enforcement of these conditions has revealed the fact that over seven thousand fourteen-year-old children in the public schools alone were in or below the twelve-year-old grade, and were thus ineligible for work certificates had they all applied. Prompt action has been taken by the Board of Education to remedy this condition by the formation of special classes for the more individual treatment and more rapid advancement of such children. The number of children refused because they are below grade or because they have been violating the school law averaged .8 a week in the Borough of Manhattan between November 21st and January 2d.

The harmony between the compulsory education and child labor laws, secured for the first time last winter, has made the basis of coöperation between the Boards of Education and Health which was impossible before. The names of all children who are refused work certificates by the Board of Health are now sent each week to the Board of Education, and attendance officers see to it that they remain in school. These children are sometimes fourteen and even fifteen years of age, but are rejected because of their deficient schooling. They are required to remain in school until they reach the age of sixteen years unless they qualify for work before that time. Similarly coöperation has been established with the State Department of Labor. Inspectors of this Department find from twenty-five to fifty children a week working illegally in factories. The names of such children are sent regularly to the Board of Education. They are thus not merely turned into the street or left free to find illegal employment elsewhere; they are placed in school and kept there until they qualify for work.

To anticipate the complaint that the law works a hardship in cases where it is claimed the child's earnings are needed for the support of the family, the Child Labor Committee announced that it would see that no suffering was caused if such cases were brought to its attention. The 69 cases of this char-

acter referred to the committee have all been provided for through the regular relief societies of the city. In 51 instances visits to the homes proved, usually on the admission of the parent, that the child's earnings were not really needed. In thirteen cases need of a temporary character was discovered and relief was given until the family again became independent by the re-employment of the wage earner who had either been out of work or sick. Five cases remain where the need was continuous; in each of these the child is now kept at school, the family receiving what is termed a "scholarship," nearly if not equivalent to what the child could earn if it had been allowed to work. But only a part of the cases of this character have been brought to the attention of this committee; many have been referred direct to the relief societies by the district superintendents of schools in accordance with instructions recently issued from the Board of Education.

#### WORKING HOURS OF MINORS AND WOMEN.

As already mentioned, one of the principal changes in the Factory Law accomplished by the amendments of 1903 was the reduction of the maximum permissible working time of children under 16 years of age from 60 hours a week to 9 hours a day. The enforcement of the new rule, which demanded a great deal of time on the part of the factory inspectors, was one of the causes of the diminished employment of children in manufacturing establishments, many of which found it impracticable to combine the work of one set of employees working on a nine-hour schedule with that of another set on a ten-hour schedule. Other establishments, especially those in New York City, where working hours are necessarily shorter than in villages owing to the greater time required by operatives to go and come from their work, adopted the nine-hour schedule for the whole force of workers. To measure the extent of these changes, the inspectors' reports were tabulated in the usual manner, and the results permit the following comparison:

PROPORTION OF FACTORY OPERATIVES WHOSE WEEKLY WORKING HOURS FELL WITHIN THE SPECIFIED LIMITS IN—				
	1901.	1902.	1903.	1904.
51 hours or less.....	6.3	6.1	7.3	7.4
52-57 hours.....	31.7	32.4	39.6	44.9
58-63 hours.....	60.1	59.1	50.9	46.0
Over 63 hours.....	1.9	2.4	2.2	1.7
Total.....	100	100	100	100.0

The comparison shows that while there has been a slight movement toward an eight-hour day, the important change has been from a ten to a nine-hour day. Until last year a majority of all factory operatives worked at least 58 hours a week, but in 1904 only 46 per cent of the employees were on the ten-hour schedule and a majority worked under 58 hours a week.

In 1901 the proportion of employees of manufacturing establishments whose regular weekly working time was under 58 hours was 38 per cent, in 1902, 39 per cent, in 1903 it rose to 47 per cent and in 1904 to 52 per cent. In 1901 there were nearly twice as many operatives on the ten-hour schedule as on the nine-hour schedule, but in 1904 the number enjoying the shorter work-day almost equalled the number of ten-hour workers. In order to picture this significant movement in the various industries, the following table has been prepared:

PERCENTAGE OF OPERATIVES IN EACH INDUSTRY WHOSE WEEKLY WORKING HOURS WERE LESS THAN 58.

GROUPS OF INDUSTRIES.		1901.	1902.	1903.	1904.
1. Stone and clay products.....		34.2	31.9	45.3	43.2
2. Metals, machinery, shipbuilding.....		32.0	34.6	45.4	48.3
3. Wood manufactures.....		22.5	24.4	32.4	35.5
4. Leather and rubber goods.....		20.2	22.7	31.5	38.2
5. Chemicals, oils, explosives.....		37.1	36.2	47.8	62.4
6. Paper and pulp.....		8.1	4.0	5.8	11.7
7. Printing and paper goods.....		73.2	70.3	80.8	84.2
8. Textiles.....		19.1	19.7	17.8	27.8
9. Clothing, millinery, laundry.....		46.6	52.0	61.2	65.0
10. Food, tobacco, liquors.....		40.2	35.2	38.4	46.0
11. Water, gas, electricity.....		22.4	23.9	42.4	34.6
12. Building.....		75.3	78.1	91.9	88.4
13. Warehousing.....		35.6	42.0	51.1	12.3
All industries.....		38.0	38.7	46.9	52.3

In 1901 the ten-hour day prevailed in all but 2 of the 13 industry classes in which all manufacturing establishments are grouped, the exceptions being the printing and the building trades. Since then the hours of work have been gradually reduced in all industries, so that now a working day shorter than 10 hours prevails in four of the groups, including the largest manufacturing industry of the State—the clothing business. The second largest industry, hardware and machinery, is divided almost half and half between the nine and the ten-hour day. Noteworthy is the change this year in the textile industry, in which hitherto there had appeared no evidence of the shorter hours movement. In 1903 the proportion of operatives working less than 58 hours a week was 18 per cent, but in 1904 it suddenly rose to 28 per cent. As the textile industry employs more children than any other with the single exception of the clothing trade, it seems clear that this change is largely due to the amended Child Labor Laws.

The final table exhibits the variations from the nine or ten-hour standards. It appears that building is the only industry in which 8 hours constitute the prevailing schedule, but considerable progress in that direction has been made in a few other groups of industries, especially cigar making, printing, furniture, glass ware, etc. Hours in excess of 63 a week are now

found in few lines of manufacture, the principal cases being paper making and power stations, where men have to be on duty 7 days a week.

WEEKLY HOURS OF LABOR IN 1904 BY GROUPS OF INDUSTRIES.

GROUPS OF INDUSTRIES.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.	Total.
I. Stone and clay products.....	20.1	23.1	54.5	2.3	100.0
II. Metals, machinery, etc.....	2.8	46.0	50.3	0.9	100.0
III. Wood manufactures.....	11.0	24.5	63.9	0.6	100.0
IV. Leather and rubber goods.....	3.0	35.2	61.6	0.2	100.0
V. Chemicals, oils, and explosives.....	10.3	52.1	35.2	2.4	100.0
VI. Paper and pulp.....	0.6	11.1	52.8	35.5	100.0
VII. Printing and paper goods.....	11.3	72.9	15.8	0.0	100.0
VIII. Textiles.....	1.6	26.2	72.2	0.0	100.0
IX. Clothing, millinery, laundries.....	5.9	59.1	34.1	0.9	100.0
X. Food, tobacco and liquors.....	17.1	28.9	50.6	3.4	100.0
XI. Water, gas and electricity.....	8.4	26.2	31.3	34.1	100.0
XII. Building industry.....	64.7	23.7	11.6	0.0	100.0
XIII. Warehouses, cold storage.....	6.9	5.4	76.2	11.5	100.0
All industries.....	7.4	44.9	46.0	1.7	100.0

## THE VALUE OF STATISTICS.

A large body of citizens have for some time been in favor of further restriction of the hours of labor permitted to women who work in factories, their proposal being an extension to women and male minors under 18 years of the limitation to 54 hours a week, which now exists for minors under 16 years. The desirability of such a restriction may be demonstrated by the use of statistics of mortality and disease, which reflect the health of wage earners employed in this class of work; but the practicability of legislation to this end depends upon a demonstration of the statement that such a restriction will not injure important business interests and thus work immediate harm to New York State in its rivalry with sister commonwealths. If a nine-hour day is already in force among a majority or a large minority of women factory operatives, that fact has an important bearing upon the practicability of its general adoption through action of the Legislature.

This is but one illustration of the value of the statistics compiled from the reports of the deputy factory inspectors. These reports must be summarized or tabulated in some form simply for the guidance of the administration; and a slight extension of the compilation yields information that is in constant demand by the public. The work incidental to this additional tabulation has been performed by the Bureau of Labor Statistics, but the Bureau of Factory Inspection has contributed to the preparation

of the material an amount of time nearly equivalent to the time spent on the annual report. As its clerical force has never been sufficient to perform this extra work, it has always been temporarily augmented by assignment to the office of some of the inspectors. This office work is done at a season of the year when field work has to be discontinued in the country and it therefore interferes but little with the inspection of factories. In ignorance of these facts, some critics have recently complained that the appropriation for enforcing the labor laws has been improperly diverted to the preparation of statistical reports, although these critics have been among the first to request the Department for more and more information about the employment of children,—information that can be obtained only through use of the statistical method.

The Bureau of Labor Statistics, in order to assume the preparation, publication and distribution of the reports of the other bureaus of the Department, has been obliged to forego much of the peculiar work to which it was formerly devoted, and it is safe to say that in the exchange of services between it and the other bureaus that has followed their consolidation in the Department of Labor, the factory inspection bureau has not suffered. The special agents of the statistical bureau have given no inconsiderable proportion of their time to the investigation of complaints, etc., that were formerly handled by the inspectors alone.

Although the Bureau of Labor Statistics, like the other bureaus of the Department of Labor, has suffered in some degree from the scaling down of appropriations in 1901, it has performed much useful work, which is recognized in the steadily increasing demand for its Reports and Bulletins. Its rank among American statistical offices is attested by the fact that the three bureaus represented on the permanent committee on uniform schedules established by the Association of Officials of Bureaus of Labor Statistics of America in 1903 are the Massachusetts and New York labor bureaus and the United States census bureau.

The New York bureau, however, is conducting its work at a considerable disadvantage as compared with similar offices elsewhere which carry out periodical censuses of the population. Statisticians are agreed that one of the reasons why the Massachusetts Bureau of Statistics of Labor, for example, holds its present rank is to be found in its possession of the rich sociological material which it has gathered in the taking of the decennial censuses of that commonwealth. From the original schedules

it is able to work up statistical information of the utmost value when public interest in some new development of public policy calls for data not theretofore available. Such recourse to original mines of information is not possible in this State and it is therefore to be desired that some provision be made in the taking of the approaching State census for remedying the situation. The greatest need at present is the want of precise information concerning the *daily work* of the people of New York, such statistics as are furnished by the United States census bureau being insufficiently detailed. The Department is made aware of such inadequacy not only by the studies of its own experts, but by the constant and urgent demand made upon it by citizens of all ranks, from Regents of the University of the State of New York to wage workers in lowly occupations, for more complete information concerning the number of persons engaged in productive labor; and especially those who without being employers work on their own account, as well as those who work for salaries or wages. This deficiency in our information can and should be supplied by means of the State census this year. At every previous census—including even the enumeration of 1892—the schedule has contained an inquiry concerning occupation, and what is now needed is a more careful formulation of that inquiry. The proper working up of the results in a special tabulation after the completion of the enumeration proper could be provided for by a special appropriation.

#### CONDITIONS OF EMPLOYMENT IN 1904.

The statistics compiled by the Bureau of Labor Statistics indicate that the state of employment last year was less favorable than in 1903. Factories were not running up to their full capacity. In the establishments visited by the factory inspectors 874,467 employees were found at work at the time of inspection, while the largest number of employees in the year aggregated 1,012,595. In the office force the changes were insignificant, the number employed at the time of the inspectors' visit (41,155) being only one per cent less than the greatest number in the year (41,623); but the number of operatives at the time of the inspectors' visit (833,312) was only 85.8 per cent of the greatest number in the year (970,972).

The causes of the unfavorable showing of 1904 may be explained in four words—"financial stringency" and "labor disputes." Speculation and the inflation of trust securities had

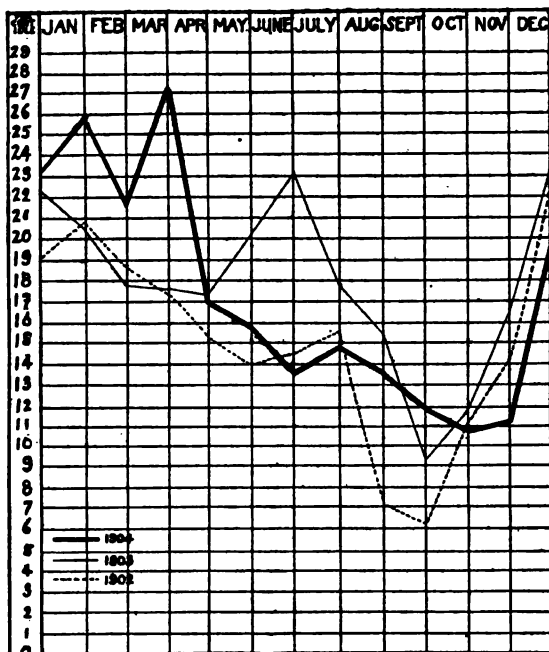


been carried too far, and in the middle of 1903 liquidation began. The country was more prosperous than ever, crops were large and business conditions generally sound; but the attempt to swallow quantities of "indigestible securities" strained the credit of the financial institutions of New York City and forced them to contract loans. The immediate effect of the stringency in the money market was a curtailment of building operations in New York City, where a large part of the business of erecting tenement houses is on speculative basis, and a suspension of the extensive improvements that had been begun by the great transportation companies. The demand for iron and steel products, especially structural shapes, rails, etc., fell off sharply as it did also for railway equipment and supplies, which are manufactured in large quantities in New York factories. Workmen were laid off in large numbers in the great locomotive and machine shops in the industrial centers of the State and the slackened demand was communicated to many subsidiary industries, and ultimately reached nearly all industries. Even the cigar makers were affected through the decreased purchasing power of workers in other industries, so that their per capita expenditure on out-of-work benefit, which had declined from 79 cents in 1901 to 39 cents in 1903, rose to 72 cents in 1904. In this State the extent of the relapse is shown in the following diagram, in which the relative amount of idleness among organized wage earners is represented by a horizontal line for each year since 1896.

1897	_____	30.3 per cent.
1898	_____	24.0 per cent.
1899	_____	18.0 per cent.
1900	_____	20.5 per cent.
1901	_____	17.2 per cent.
1902	_____	13.4 per cent.
1903	_____	14.0 per cent.
1904	_____	20.1 per cent.

The diagram shows a progressive diminution of idleness from 1897 to 1903, except in the year 1900, when there was a slight relapse. Last year idleness increased again and attained larger proportions than in any year since 1900. It was manifested both in increased numbers of workmen who had no work at all and in reduced working time for those who found partial employment. Thus the average number of days worked by those who had some employment in the first or third quarters of the year was equivalent to 267, full working time being reckoned at 308 days a year; in 1903, the average was 277 days or 10 days

more per worker. The amount of time lost by this class of workmen was 13 per cent in 1904 and 10 per cent in 1903; which indicates that the bulk of the increased idleness set forth in the diagram was due to the large increase in the number of wage earners who were entirely without work.



The accompanying chart reveals the fluctuations in the monthly number of idle wage earners in the last three years. It will be seen that in April, 1903, the relative number of the unemployed began to exceed the record of 1902, and so continued for an entire year. During the summer of 1904 the ratio of unemployed fell below that of 1903 owing to the extensive labor dispute in the building industry of New York City in 1903. If the building trades were entirely excluded the comparison between the fiscal years 1904 and 1903 would be unfavorable to 1904 in every month except August. Since the close of the fiscal year (Sept. 30), the condition of employment has improved greatly and has once more become as favorable as in 1902.

The foregoing statistics pertain to organized workers alone, but are nevertheless characteristic of all classes of labor. Thus the proportion of applicants for situations at the State Free Employment Bureau who succeeded in obtaining employment

through the Bureau was somewhat less in 1904 than in 1903,—practically all of such applicants being outside the labor unions.

The upward movement of wage rates was scarcely perceptible in 1904. Generally speaking, rates were maintained at the high level of 1902 and 1903, but there were a few reductions reported,—chiefly confined to the iron and steel and machine-making industries. While wage rates on the whole were higher in 1904 than in any other year of the decade, earnings were smaller than they have been in the last three or four years on account of the increased irregularity of employment, which in most industries of the present day exercises a more potent influence upon the income of the wage worker than does the rate of wages itself.

In sympathy with the lessened demand for labor in 1904 immigration receded from the record figures of the previous year. In December, 1903, the number of arrivals at the Port of New York for the first time in a number of years failed to show an increase over the corresponding month of the preceding year. In the second quarter of 1904 the decline in the volume of immigration amounted to 72,000, or one-fourth of the 1903 figures; but in the third quarter the decrease was only 12,000. The revival of business in the autumn was thus reflected in the renewed flocking of foreign laborers to our shores. Since the close of the fiscal year the influx has once more attained record-breaking dimensions.

Reports from the overseers of the poor in all the cities of the State show that pauperism in 1904 was only slightly greater than in 1903, which was the most favorable of recent years. The statistics of pauperism thus confirm and supplement the statistics of employment and earnings of organized labor, as it is only the unorganized who accept public charity.

#### ORGANIZATIONS OF WORKINGMEN.

A lessened demand for labor sooner or later reflects itself in the trade-union movement. When trade is brisk and labor in active demand, workmen readily combine and devote a fraction of their earnings toward improving their advantage in the joint bargain with the employer. But with a slackening in trade activity employment becomes unsteady, earnings diminish and ability to contribute toward insurance of all kinds is lessened. Under such circumstances many wage earners feel compelled to give up their membership in trade unions, while the recruiting of new members is difficult.

Until 1904 there had been for at least a decade a steady growth of workingmen's trade organizations in this State, the number of which in September, 1903, was 2,583. The largest aggregate

membership recorded was only 301 short of 400,000 in the early months of 1904. At the end of September, however, there were only 2,504 unions in the State and their total membership had declined to 391,676. The principal losses were in the metal, building, clothing, and wood-working trades and they affected nearly all the cities of the State, Buffalo being the only one of the large industrial centers to reveal a net gain. Only 19 counties had a larger membership in September, 1904, than twelve months previous and with few exceptions the gains were small. New York county gained 11,000, but the next largest gain was in Cattaraugus county—400. In several counties the increase was approximately 200—Broome, Erie, Kings, Orange, and Orleans—but in the remaining 12 counties it did not exceed 150. The largest losses were in Schenectady (3,800), Fulton, Chautauqua, Herkimer, Monroe, Westchester and St. Lawrence counties.

#### RELATIONS BETWEEN EMPLOYERS AND EMPLOYEES.

The number of labor disputes in 1904 (124) was rather below the average, but in magnitude they exceeded any other recent year except 1903, the number of workmen directly concerned in such disputes having been 57,000 in 1904, as compared with 100,000 in 1903, and 34,000 in 1902. The disputes of 1904 indirectly affected 51,000 other wage earners through the stoppage of work, so that the total amount of time lost on account of labor disputes was about as great in 1904 as in the preceding year.\* While some of the strikes took place at the season when trade is ordinarily dull and thus caused less loss to actual production than would appear from the figures, there was, nevertheless, a decided interruption of operations in the glove industry, lithographing, lake transportation, building, garment making and other industries.

It is significant that the cause of the more extensive disputes was not, as formerly, the demand for increased compensation; on the contrary, a majority of the more important disputes were provoked by the attempt of employers to put an end to the "joint trade agreement" or "collective bargaining" system and substitute therefor the simple contract with individual workmen. In a few cases the employers denied that they desired to restore the régime of individual agreements, but sought only to abolish that clause of the joint trade agreement which provided for the exclusive employment of members of the contracting union of wage

\* The aggregate duration of disputes, measured in working days, was 3,500,000 days in 1904, as compared with 4,160,000 days in 1903. But the figures for 1903 include all the time lost in the great building trades dispute that began in 1903 and continued, in certain occupations, well into 1904. If the time lost thro this dispute in the fiscal year 1904 were deducted from 1903 and added to 1904, the figures for the two years would be nearly equalized.

earners. Hence the burning question of the year became the contest of the "open" versus the "closed" or "union" shop. The results of the disputes on this question were not decisive. The principal dispute of the year, that in the clothing trade of New York City, was a nominal victory for the open shop; but the unions preserved their existence and on the whole maintained union conditions in the shops. How long they will be able to maintain union conditions, if employers are free to employ non-union workmen and thereby undermine the union, the future will tell. In the protracted dispute in the glove industry, which turned on the same question of the open shop, the unions were defeated and nearly destroyed.

The "open shop" question has in most cases been raised by recently organized associations of employers. It is doubtless true that the growing disposition of employers to unite is due to the organized strength of the workmen, which in exceptional cases may have been used to impose unjust and irritating conditions upon the employer. These annoyances have in turn provoked the employers to insist upon unreasonable conditions, for a new association of employers, like a newly organized trade union, is likely to be radical when it first learns its power. But experience makes it more conservative; and on the whole, notwithstanding the rash conflicts precipitated in the initial stages of organization, the public is disposed to look with favor upon the movement toward organization on both sides.

The tendency of some of the associations to make an issue against the "union shop" has caused apprehension among persons who regard collective bargaining as the foundation of industrial peace; but those who realize the power of public opinion as a regulating force on industrial relations do not fear the outcome. So rapid has been the education of the general public in the merits of the principle of trade unionism since the coal strike of 1902 that the attempt to discredit that principle under the guise of establishing an "open shop" has signally failed. The public has seen that a union shop may be a truly "open" shop, so long as the union itself is open to all competent workmen; whereas the non-union shop in which every workman is compelled to drive a bargain single-handed with the employer becomes more often than not a sweat shop. With the union's power broken, the just and humane employer is powerless to keep wages and hours up to the former union standard in the face of the competition of wage-cutting rivals. During or previous to the year 1903 the nine-hour day had been established in many machine

shops in this and other states through the organizations of the workmen. But in 1904 apathy toward the union movement (evidenced by the decline in membership of the 64 machinists' unions in New York from 9,800 to 8,600) was quickly followed by a reversion to the ten-hour day in numerous machine shops. If the establishment of the so-called open shop in other trades has not at once brought about like results, the substitution of poorer conditions of employment is only temporarily postponed, for the union is the only power that can be depended upon to keep the indifferent or unscrupulous employer in line with those employers who are ready and willing to do justice to the wage-workers.

The union shop of course is simply a means to an end—the maintenance of just conditions of employment. Where the end can be attained by other means, the union shop is not insisted upon by the workmen. The failure to recognize this truth has led to some confusion of thought in respect of the attitude of the railroad brotherhoods, who are often quoted as being against the principle of the exclusive employment of union men. The example of the union locomotive engineers, who do not refuse to work with non-union engineers, has been held up for imitation by the unions in the clothing and other trades, where conditions are essentially different. But the officers of the engineers' brotherhood who announced the policy of their order toward the union-shop principle also declared that their members would *always refuse to work with any engineer who accepted less than the union scale of wages*. In their case union conditions can be maintained without insistence upon the exclusive employment of union men; but in industries where a multitude of employers compete with one another for cheap labor needing little skill or training, experience has demonstrated that the standard of fair wages and hours embodied in the union scale can be maintained only by the strictly union shop.

No universal principle can be laid down in respect of the union vs. "open shop," but each trade must be treated on its own merits. That there is in many cases abundant justification for the strictly union shop is now very generally recognized. The attempt of some employers' associations to prejudge the whole case by calling the union shop a "closed" shop as opposed to the so-called "open" shop, which was said to defend the American idea of freedom of opportunity, misled the public for a short time only. The discussion carried on during the past year very quickly showed the folly of the argument based on such misuse of terms. The National Civic Federation conferences in New

York City threw much light on the question. In academic circles, there came a new understanding of the real worth of trade unionism through the discussion of the pros and cons of the open shop in intercollegiate debates. A significant indication of this new attitude of educated public opinion toward unionism was revealed in the annual prize discussion at the University of California in December, the subject being the "Ethics of the Open Shop." The decision of the judges, representing the faculty, alumni and general public, was based on the soundness of the argument made and was unanimously in favor of an essay that uncompromisingly defended the strictly union shop. The two essays that received honorable mention were likewise defenses of the union shop. The most striking triumph of the union shop, however, was witnessed at the annual meeting in Chicago late in December of the American Economic Association, the membership of which includes virtually all the teachers of economics in American colleges, as well as many men prominent in business, professional life and public affairs. An entire afternoon was devoted to the question of the open shop and the trend of the discussion was so overwhelmingly in favor of the union shop as to surprise many of those in attendance who had not before given the question much thought or study. One of the first economists of the country admitted that he came to the meeting with the conviction that no case could be made for the union shop and went away with the opinion that under certain conditions it was entirely justified. Professor Ross, of the University of Nebraska, uttered this warning to professional economists of the country:

"The papers read this afternoon, especially the papers of Prof. Commons and Prof. Brooks, seem to make it clear that in many cases and in many trades it is impossible for labor successfully to carry through the collective bargain principle without the closed shop. If such is the case, what hollow mockery it is for us to approve the purpose of labor organizations and yet deny them the use of the only legitimate means by which they can fulfil that purpose. \* \* \* Our professional brethren, the economists of England, from 1820-70, made many mistakes which injured the cause of workingmen. With their wage-fund doctrine, their narrow application of the Malthusian theory and their denunciation of the trade unions, they unwittingly and innocently wrought labor much harm. Let us see to it then that at this crisis in the movement for collective bargaining we too do not make a mistake for which we shall later have to heap the ashes of humiliation upon our heads."

The general opinion among the economists present was fairly stated by Professor H. R. Seager, of Columbia University, in the following words:

The "open shop" is just now a convenient rallying cry for drawing together intelligent and fair-minded employers, unreasonable employers of the "smash-the-union" type, and certain observers representing the general public. When the smoke of battle has cleared away I think we may confidently expect at least one important result. The union shop has assumed its worst form when there was no employers' organization to oppose arbitrary trade union demands and when the policy of the union has been to limit its membership through unreasonable apprenticeship rules, or initiation fees, or by means of unfairly conducted examinations to test the fitness of a man to carry on the trade. The open-shop crusade has brought into being employers' organizations from one end of the country to the other; consequently there is little reason to anticipate a return to the worst forms of union dictation from which some trades have suffered in recent years.

On the other hand, the conviction is growing that combinations of workmen, like combinations of capitalists, need to be controlled if the public interest is not to suffer. Labor organizations are admirable; labor monopolies are pernicious. To foster the one and to oppose the other the law must intervene to insist that the rules and policies of organizations shall not limit membership in an unreasonable way. It is not the closed shop so much as the closed union that has justified the open-shop crusade. The open shop is, to be sure, one means for opposing the closed union, but its introduction in certain trades means retrogression rather than progress. In such trades a better plan would be to attack the closed union directly through the method of legal regulation of union rules, while accepting the union shop as a convenient device for securing compliance with the provisions of a collective bargain and enforcing discipline within a shop through a system of self-government on the part of the workmen rather than through the interference of foremen and bosses representing the employer. A union shop in a trade in which membership in the union is freely open to all competent men is neither monopolistic nor un-American. On the contrary, it is a long step toward both industrial liberty and industrial peace.

Judging from these conclusions of the economists, which accord with the conclusions of government commissions, the fundamental principle of trade unionism (collective bargaining) is in no danger from the attacks of extremists among the employers' associations. Trade unions indeed would not be human institutions if they did not possess faults; and the organization of employers is an excellent means of correcting such faults or abuses. But when an employers' association adopts a policy of "smashing the unions," it simply aggravates the evils of the situation and leaves its members in the illogical position of denying to workmen the right to organize which they claim for themselves. Refusing to deal with the unions means the same as denying the right to organize; certainly an association of workingmen that is not permitted to have a voice in determining the conditions of employment makes but slight appeal to masculine minds. An over-



whelming majority of persons who have studied industrial relations without bias or personal interest, including the writers who have most influenced public opinion here and abroad (Price, Schulze-Gaevernitz, the Webbs, Ashley, Gilman and virtually all government commissions), have agreed upon the collective trade agreement between employers and employees as the one really hopeful and practicable method of attaining industrial peace and progress. Those who reject this method cannot possibly hope to exercise as much influence upon the development of trade unions as do those who accept the method and thus attain a position from which they may urge friendly criticism in case the union goes too far in the direction of monopoly by erecting barriers against the admission to the union of all competent workmen.

The evidence of growing public confidence in trade unionism appears not only in the utterances of the economists but also in the action taken last year by three great American churches, the Presbyterian, Episcopal and Congregational. At the general convention of the Protestant Episcopal Church held in Boston in October the standing commission on the relations of capital and labor, appointed in 1901, made a report urging the church to study the labor movement and justifying trade unionism in these words: "In the face of a prejudice and an hostility for which there are serious reasons, we are convinced that the organization of labor is essential to the well-being of the working people \* \* \* Its purpose is to maintain such a standard of wages, hours and conditions as shall afford every man an opportunity to grow in mind and in heart. Without organization the standard cannot be maintained in the midst of our present commercial conditions." A little later a similar committee reported at the triennial session of the National Council of the Congregational Churches at Des Moines, which devoted an entire evening to a discussion of the committee's program. In regard to organized labor the committee said: "We believe that organizations of labor and organizations of capital are inevitable and that these forces are to be dealt with intelligently and humanely and that any policy that means the utter subversion of one force to that of the other is certain to result immediately in intensifying the already ominous tendency to class division and class warfare." One member of this committee was President Tucker of Dartmouth College who addressed the annual convention of the Association of Officials of Bureaus of Labor Statistics of America

in a spirit so sympathetic and appreciative of the ideals of trade unionism that the Association voted to circulate his address on the relations of labor and education and it has therefore been included in the Department's report. The third of the churches previously mentioned, the Presbyterian, has gone still further than the other two in that its Board of Home Missions has established an industrial department and placed it in charge of a minister who is still a member of a trade union, the object being to encourage a better understanding between the church and the workingmen. Through his influence Presbyterian ministers are now joining the city federations of trade unions as delegates of the local ministers' associations.

Inasmuch as public opinion does in the ultimate analysis regulate the relations between employers and employees, these numerous evidences of an increasingly intelligent understanding of the labor problem on the part of so many influential organs of public sentiment make the year 1904 one of good omen despite the record of its industrial controversies in this State as well as in Chicago, Fall River and other outside centers of industry.

#### BUREAU OF MEDIATION AND ARBITRATION.

The statistics of strikes and lockouts will be found in the report of the Bureau of Mediation and Arbitration. Since 1901 the Board of Arbitration has been composed of the Commissioner and the two Deputy Commissioners of Labor, who have made individual efforts to settle certain strikes, but have never been called upon to sit as a board for the arbitration of a trade or industrial dispute. Last year only one request came to the Board for its intervention, despite the fact that it offered its services in nearly every dispute that came under its notice. The real aim of the Bureau is to *prevent* labor disputes by promoting such industrial relations as will make their rupture impossible. When a rupture once takes place, it can seldom be remedied until one or both of the disputants are tired out. The endeavor of the members of the Board has therefore been to promote a better understanding between employers and employees. The best means of establishing and maintaining such friendly relations between the two classes as will make strikes and lockouts impossible the Board has found to be the joint conference or trade agreement system carried out by representatives of the two parties. With a view to encouraging and developing this method of industrial peace the Bureau collects and publishes numerous

trade agreements. The current report contains 45 agreements, a majority of which were made in the building and the transport trades where the system is most advanced.

The policy of the Bureau is directly in line with the following conclusions of the well-known Massachusetts employer who has lately been elected governor of that commonwealth:

"We believe that no body of commissioners can arbitrate or conciliate without accomplishing at the same time a great amount of educational work, but the laws creating such boards should make a specific provision for the performance of so necessary a function. There should be a liberal appropriation of funds for the dissemination of suitable literature and for the expenses of agents charged with the duty of instructing disputants concerning the peaceful way of adjusting difficulties. Religious and social leaders, the press, public-spirited persons and associations would not fail to second such an effort on the part of the State. The results might be made the subject of reports, and the public would before long be enabled to see that the best effects of arbitration and conciliation laws are visible in the amount of industrial trouble which has been prevented rather than in the number of disastrous strikes and lockouts that have been settled when all concerned have grown weary of their contest."

#### RECOMMENDATIONS.

##### I.

The Bureau of Factory Inspection is struggling with the problem of enforcing a constantly growing set of regulations against a constantly increasing number of industrial enterprises. With a force of thirty-seven deputy inspectors the Bureau has maintained the record of inspections made before 1901 by fifty deputies. This result has been accomplished through improved organization and systematization, on the one hand, and increased effort on the other hand. But the service suffers from the exacting demands made upon its attachés and in some directions is still imperfect—especially in the provision for the re-inspection of premises on which infractions of the law have been discovered. And the natural growth of the industrial interests of the State requires a larger force of inspectors than they did five years ago. Many philanthropic workers affirm that the force of inspectors should be doubled for New York City alone, but the Commissioner asks only that the number of inspectors be restored to the quota (50) allowed by section 61 of the Labor Law, and that the inspectors be classified in two or more grades with varying salaries. The salary of \$1,200 now fixed by law is too little compensation for the most zealous, capable and experienced inspectors and has

had for one of its consequences the resignation of a number of the best men. Some of these men could have been kept in the service of the State had there been open to them the prospect of promotion to a higher grade. And such prospect of promotion would be a stimulus to all the inspectors. Last year the Legislature provided for the grading of the agents in the Excise Department; the arguments in favor of that action apply equally to the inspectors of this Department.

## II.

The Commissioner places particular emphasis upon the recommendation of last year in favor of allowing the Department a special attorney to take charge of its extensive legal work. This need is felt especially in the prosecution of cases in court, which now devolves upon inspectors entirely untrained in law and necessarily at a disadvantage in opposing legal counsel of defendants.

## III.

The Commissioner requests an appropriation to carry out the intent of section 40 of the Labor Law, which requires the Commissioner of Labor to organize and establish a free public employment bureau in each city of the first class. No such bureau has been established in Buffalo, although conditions in that city differ in no marked degree from those in New York City, to meet which the State has since 1896 annually appropriated the sum of \$5,000 for the maintenance of a free intelligence office. A smaller appropriation would suffice for Buffalo.

## IV.

The Commissioner renews his recommendation in favor of amending the law which regulates the duration of labor of women in factories so as to reduce the maximum per week from 60 to 54 hours. In this important branch of labor legislation New York is even now behind Massachusetts and Rhode Island, where a 58-hour week (maximum) has been long established. The arguments in favor of shortening the working-time of the protected classes are too familiar to need rehearsing and it may be assumed that the only opposition would be inspired by the fear of injuring New York's industries in their competition with outside establishments. That apprehension should be allayed, however, by

consideration of the fact that more than one-half of all the factory operatives in this State already work less than 58 hours a week. In New York City, indeed; the proportion of factory employees working less than ten hours a day rises to two-thirds. Almost one-half of the women who work in factories in this State are employed in garment-making and allied trades (wherein women outnumber men) and it appears from the reports of the factory inspectors that in that important group of trades (constituting the leading manufacturing industry in New York) *three-fifths* of the operatives now work less than 58 hours a week. It seems plausible that business might be carried on profitably in other localities and other industries under a similar limitation of working hours, but to establish such a limitation the working people find it necessary to appeal to the law-making body of the State.

Their proposal is entitled to the more careful consideration of the Legislature from the fact that the law already limits the work-hours of children to fifty-four a week, and that this statute can be but imperfectly enforced by this Department so long as factory managers are free to run their mills 60 hours a week. If the 54-hour week were established by law for women as well as children, the mills that employ most of the child factory operatives would not exceed the limits now fixed by law for children.

## II.

### REPORT OF THE SUPERINTENDENT OF THE NEW YORK STATE FREE EMPLOYMENT BUREAU FOR 1904.

HON. JOHN McMACKIN, *Commissioner of Labor, Albany, N. Y.:*

DEAR SIR:

I beg to submit the following report of the work of the Free Employment Bureau for the year 1904.

One more year of the Bureau's existence has passed away. Its history in a manner partakes of the same character as heretofore. Its effort to place people on a footing of independence, earning their bread as honest workers and not being dependents, has been a success. As a rule the young can stand the storm of life and they readily find employment if competent; but the aged, even when competent and having years of experience to their credit, cannot so readily find employment and for no other reason than that they are old.

A great many of the aged people who come to the Bureau to find employment are very poor and needy. In many cases their condition can be traced to their generosity in days when their labor brought fair remuneration. To illustrate: One woman who in her early life worked as a dressmaker but is at present employed as kitchen maid, out of her earnings paid for the education of a younger brother and fitted him for a profession, and besides sent over \$500 to her parents on the other side. She was working at her daily toil easy in mind because, as she said, "It will not be long before Tom will have built up a practice and then I will be his housekeeper." Many others spent their money in the caretaking of the children of brothers or sisters. Some had homes of their own but the death of husband or children forced them to begin life at a time when they had hoped to rest.

In the most guarded manner possible I suggested to some of the very old and feeble that it would be well for them to go to some home where they could have a permanent place to live. The suggestion was never acted upon, for the poor creatures said to me they preferred to earn their living and not eat the bread that charity offered. The old spirit was not broken. Hope was still with them. It had a resting place in their hearts and as they left the Bureau they would say, "Well, we will see what to-morrow will bring." And so it was that they bore their lot in life fondly hoping that to-morrow would be a day of sunshine. Often when employers take such people to work they promise them "a

good Christian home where they will be treated as one of the family." The brand of Christianity accepted by some is not one having much of love or affection in it. It is to be regretted that in some instances the poor creatures found it any thing but the home promised. When letters open with a story of "a good Christian home" awaiting the workers I know in advance that the question of wages in most cases is almost lost sight of. On the other hand a great number of employers who are patrons of the Bureau are willing to pay the highest wages and treat the employees with the utmost consideration. The table showing the rate of wages given people by employers through the Bureau will demonstrate that they received the standard wages.

Employers sending orders from out of town gladly pay for the transportation of help and are more than willing to live out the terms of the contract made in the office even though they are not present when the contract is made, relying on our judgment to fill the order.

Among those who come to the Bureau to employ help are found people in every walk of life. During the quarter ending March 31, employers are mostly centered in the city and a short distance out. The city hotels during this period send numerous calls, many of which we cannot fill simply because help is scarce. We also receive many orders at this time from private families, boarding houses, colleges and hospitals. With the opening of the summer season the local orders are not so numerous, as many people close their houses and leave the city for the summer. But country hotels, boarding houses and farmers are at this time in quest of help and competition is sharp. Many employers will remain in the office day after day until they get what they require. Mail orders begin in good earnest and money orders are constantly sent to pay railroad fare for help who are to be sent out of town.

From early spring the farmers are looking for help. Calls for farm hands come in in great numbers. To reach the employing farmer this Bureau advertised in one of the most prominent agricultural weeklies published in the country, and the result more than warranted the outlay of money. Some farm hands, mostly Greeks, went to the western harvest fields and they gave entire satisfaction to their employers. Quite a number of young men who had made a study of agriculture at the Baron de Hirsch School found employment through this Bureau during the year, and although some of them had about five or seven months training they gave satisfaction to the people who employed them.

## EMPLOYMENT AGENCIES IN NEW YORK CITY.

Scarcely had the State Free Employment Bureau been opened when its attention was called to the abuses existing in nearly all the employment agencies in New York City, and so flagrant were such abuses that the then Governor, Theodore Roosevelt, recommended the Legislature to place the whole system of employment agencies under State control. The Ford-Kelsey bill covering this matter was drafted, but failed of passage though twice presented to the Legislature. At that time the people of New York City who were keeping employment agencies contended that they were a much abused lot of people; that the statements made by this Department as to the abuses existing had malice as their base, and as their intention the prosecution of people carrying on a legitimate business. During the session of the United States Industrial Commission held in this city on May 21, 1901, that body took up the consideration of employment agencies in New York City. A gentleman representing the city government, being Deputy Chief of the Bureau of Licenses, testified as follows: "There are 426 licensed employment agencies in the city of New York, and I think out of that number complaints are confined to ten or a dozen—maybe fifteen." Another gentleman who was at that time superintendent of an employment agency, in answer to the question as to "how many people were defrauded by employment agencies?" answered, "The person who is out of employment is a very discontented person and he looks at life with distorted vision. He thinks he is an object of fraud and in many cases will make himself believe that he is the victim of fraud." The people were not defrauded—they only thought they were. This was indirect conflict with the testimony given by the Superintendent of the State Free Employment Bureau. He stated that many people, both employers and employees, were constantly being defrauded by employment agencies; that there were far more than ten or fifteen, as known by the city official, and that they were not merely hallucinations as testified to by the other gentleman. Since then the question has constantly been kept before the public mainly through the agency of this Department, and at the session of the Legislature of 1904, a law based on the Ford-Kelsey bill vesting the authority for the enforcement of the law in the local authorities brought into existence a commission in this city having full control and jurisdiction over the employment agencies. Mr. Frederick L. C. Keating was appointed commissioner by Mayor McClellan, and in his report to the mayor



he says that in the eight months of the operation of the law there were 635 complaints against employment agencies; 630 were investigated, and 615 settled. In 486 cases the agency had been compelled to refund the money illegally extorted from their patrons. Commissioner Keating could hear and know in eight months that in 486 cases the law was violated, while a former deputy chief who spoke "from an experience of eighteen years or more" stated he knew, as heretofore stated, of perhaps ten or fifteen cases in which the law was violated. In addition, Commissioner Keating reported that he "found it necessary to prosecute some of the keepers of intelligence agencies criminally"—for crimes of such a nature as not fit to appear in public print.

Much has been done toward cleaning up the abuses of intelligence agencies by Commissioner Keating, but, as he says himself, there remains much more to be done before the agencies are what they ought to be. So far as we can see, for the present at least the "padrone" has escaped the corrective influence of the act.

A gentleman who has viewed the operation of the law and has a thorough knowledge of its workings writes as follows:

"When the law was enacted the condition of the business was in many respects very bad, so that the provisions of the law in re fees to be charged, false advertising, character of employers and employees, misrepresentation and 'procuring' were greatly needed.

"The grosser abuses aimed at are subtle and very hard to prove. In the first case of 'procuring' handled by the new office, where an agency in Brooklyn was found furnishing colored girls for immoral purposes for a seaside resort, where the parties were caught red-handed and the evidence was as complete as possible, the case was dismissed in the Magistrates' Court on a legal technicality and the subsequent effect of the law in this respect has been simply to make the operators more careful.

"In the act as printed, section 6, line 26, the third word 'designation' was evidently intended to be 'destination' and it should be amended in this respect.

"In so far as the law is intended to regulate or control the 'padrone' system as operated by the so-called Italian bankers it is incompetent, as said system has been much changed in the method of its operation. Employment agencies do not now supply contract laborers to corporations. The contractor (formerly a banker) now hires them direct and takes them to the job which he 'lumps,' and exploits them principally through the commissary—a combination of 'company store' and lodging-house, which he operates on the works.

"The amendment needed to correct this abuse should require that the contractor file a statement with the mayor or commissioner of licenses, giving required particulars. Or this might probably be better accomplished by an amendment to the Labor Law to the same effect."

The following statement of Miss Frances A. Kellor, bears directly on the question of progress in the management of employment agencies under the new act. It is very evident, from Miss Kellor's statement, that many agencies in the city are far from being what they might be.

"THE INTER-MUNICIPAL COMMITTEE ON HOUSEHOLD RESEARCH.

"New York.

"The present employment agency law passed in April did not really go into effect until September. It necessitated a new department, a commissioner and a staff of inspectors. The equipment and organization of the office, printing and posting of laws, notifying agents and instructing them in the use of registers, receipts, cards, contract labor forms, etc., consumed the summer. Early in September the civil service inspectors were appointed. There were many hearings on violations of the fee clause and one or two licenses were revoked during the summer. There were no prosecutions in the courts. In December, the actual enforcement of the law was begun. Whether the department of licenses or the law is inadequate can scarcely be said at this stage. During January a nest of some half dozen agencies had their licenses revoked for furnishing girls to disreputable places. In one case, four emigrant women had been assaulted in the agency and upon promises of work had refused to make the facts public. About one-half dozen licenses have been revoked because of repeated violations of the living-room clause, and two for false promises of work.

"The features of the law which are working well at this stage are: Compulsory licensing, protection by bond, prohibition of removal of place of business without notification, keeping registers, giving of receipts, refunding of money, lessening the frauds to a great degree, and sending of women to disreputable places. The method of enforcement through a commissioner has demonstrated that cases can be disposed of more quickly and the expense of a criminal trial avoided by the many adjustments he has made.

"The provisions of the law which are not working satisfactorily, whether because of defects in the law or in its enforcement, are: Theatrical, shipping and other agencies have not been effectively brought under its jurisdiction, and there have been no prosecutions to determine their rights to run without licenses.

"The Commissioner holds that if the office is locked off it does not violate the clause 'office must not be conducted in rooms used for living purposes,' so the character of the business has not changed but is still in the heart of tenements and apartments. Such a ruling makes enforcement with even a large number of inspectors very difficult, for there is a constant temptation to use the office at night.

"The ~~kind of~~ <sup>kind of</sup> good moral character required have not been sufficient to keep out criminals and others from securing licenses; agencies are conducted in saloons, but have their license reading at some other address; persons sent out of the State are not adequately protected, as the clause protecting them has scarcely been tested; there have been few prosecutions for fraudulent advertising and little use seems to have been made of the discretionary clause that licenses may be revoked for any good cause shown.

The number of licensed places has not been materially reduced, and if the original statements based on a most careful investigation of the Woman's Municipal League are true that one-third are unfit to conduct business because of ignorance and immorality, this condition can not have been met.

"Under the present rulings, it would seem that the law was defective in its intent to regulate the living room and lodging-house conditions, saloon agencies, requirement of good moral character and the power to refuse a license to those unworthy.

"There have been other results of this law, aside from the enforcement. A model agency has been started at 712 East Sixth street and around this have rallied ten of the best agents who make up the East Side Employment Agents Protective Association. They have a complaint committee and employ a counsel, who has prosecuted not less than ten or twelve violations of the law.

"The New York Association for Household Research has its own inspectors, who have also assisted in bringing twenty violators before the Commissioner.

"Amendments are undoubtedly needed to make the Commissioner's work less difficult and to assure justice to all—the employer, employee and agent—but these associations feel that with a law only understood and enforced ten months, this is no year to try for them until it is really known what is wanted."

#### STATISTICS.

During the year 1904 the work of the Bureau increased along every line of its effort. There was an increase in the number of applicants for work and also for help.

*Applicants for work.*—In 1904 there were 6,650 applicants for work, being an increase of 374 over that of 1903. Of this number 3,754 were men and 2,896 were women. There were 2,619 natives and 4,031 foreigners. It will serve here to answer many inquiries by stating that very few of the applicants for work were people who lately arrived in this country, nor are we taking care of people who have been discharged from reformatories.

*Married and single.*—Of the men who made application for work 822 were married while 1,473 of the women were married, being a total of 2,295 married people, who had 1,920 children depending on them for support.

*Literates and illiterates.*—Of the 6,650 registered but 171 could neither read nor write, of which number 100 were women and 71 men.

*Trades and avocations.*—The people who made application for work represented sixty-seven trades and avocations, and were competent and trustworthy, as the answers to confidential inquiries addressed to former employers clearly proved.

*Application for help.*—There were 4,540 applications for help during the year.

*Situations secured.*—The total number of situations secured was 4,642, of which number 1,004 were secured by male applicants.

At no time was the supply of women equal to the demand.

TOTAL REGISTRATION OF WAGE WORKERS AND EMPLOYERS AND NUMBER OF APPLICANTS WHO HAVE SECURED SITUATIONS.

	Male	Female.	Total.
Applicants for employment.....	3,754	2,898	6,650
Situations secured.....	1,004	3,638	4,642
Applicants for help.....	815	3,725	4,542

The table of situations secured and wages earned discloses the fact that people finding employment through the Bureau received wages which were entirely satisfactory compensation for the work performed.

Respectfully submitted,  
 (Signed) JOHN J. BEALIN,  
*Superintendent.*

TABLE I.—SHOWING THE NUMBER OF APPLICANTS REGISTERED, THEIR  
AND LITERATE

OCCUPATION.	NUMBER OF APPLICANTS FOR SITUATIONS.			NATIVE BORN.		
	Men.	Women.	Total.	Men.	Women.	Total.
Bakers.....	7		7	5		5
Bartenders.....	23		23	9		9
Bell boys.....	36		36	33		33
Blacksmiths.....	11		11	2		2
Bookkeepers.....	15		15	7		7
Butchers.....	8		8	4		4
Butlers.....	33		33	13		13
Caretakers.....	8		8	5		5
Carpenters.....	48		48	10		10
Chambermaids and waitresses.....		540	540		189	189
Clerks.....	166	17	183	98	12	110
Coachmen.....	56		56	19		19
Collectors.....	3		3	2		2
Cooks.....	94	387	481	34	80	114
Dayworkers.....		274	274		80	80
Dishwashers.....	36		36	16		16
Drivers.....	410		410	285		285
Electricians.....	17		17	10		10
Elevator runners.....	162		162	114		114
Engineers.....	22		22	13		13
Errand boys.....	22		22	17		17
Factory hands.....	36	42	78	14	30	44
Farmers.....	476		476	173		173
Firemen.....	103		103	27		27
Gardeners.....	96		96	16		16
General houseworkers.....		446	446		159	159
Grooms.....	27		27	5		5
Hall boys.....	73		73	53		53
Handymen.....	353		353	127		127
Hotel cleaners.....		495	495		174	174
Housekeepers and matrons.....		24	24		18	18
Housemen.....	83		83	30		30
Iron workers.....	7		7	2		2
Janitors.....	35	9	44	11	4	15
Kitchenmaids.....		89	89		32	32
Kitchenmen.....	86		86	29		29
Laborers.....	230		230	72		72
Laundresses.....		242	242		73	73
Laundrymen.....	14		14	7		7
Machinists.....	33		33	13		13
Maids and seamstresses.....		12	12		7	7
Miscellaneous.....	68	3	71	18	3	21
Nurses and attendants.....	46	101	147	15	56	71
Office cleaners.....		15	15		6	6
Omnibus.....	18		18	5		5
Packers.....	21		21	13		13
Painters.....	36		36	19		19
Pantrymaids.....		129	129		47	47
Pantrymen.....	21		21	7		7
Plumbers' helpers.....	8		8	6		6
Porters.....	402		402	158		158
Pressmen.....	8		8	5		5
Salespeople.....	14	6	20	6	5	11
Seamstresses.....		51	51		21	21
Silversmiths.....	7		7	1		1
Stablemen.....	43		43	13		13
Steamfitters.....	5		5	4		4
Stenographers.....		3	3		3	3
Stewards.....	5		5	1		1
Stone cutters.....	5		5	2		2
Storeroom workers.....	4	11	15			
Upholsterers.....	6		6	1		1
valets.....	4		4	3		3
wagon boys.....	7		7	5		5
Waiters.....	153		153	57		57
Watchmen.....	40		40	4		4
Yardmen.....	4		4	2		2
	3,754	2,896	6,650	1,620	999	2,619

## OCCUPATIONS, NATIVE OR FOREIGN BORN, MARRIED OR SINGLE, OR ILLITERATE.

FOREIGN BORN.			MARRIED.			SINGLE.			LITERATE.			ILLITERATE.		
Men.	Wm.	Total.	Men.	Wm.	Total.	Men.	Wm.	Total.	Men.	Wm.	Total.	Men.	Wm.	Total.
2		2	3		3	4		4	7		7			
14		14				23		23	23		23			
3		3				36		36	36		36			
9		9	6		6	5		5	9		9	2		2
8		8	5		5	10		10	15		15			
4		4	2		2	6		6	8		8			
20		20	8		8	25		25	33		33			
3		3	5		5	3		3	8		8			
38		38	21		21	27		27	48		48			
	351	351		130	130		410	410		537	537		3	3
68	5	73	31	2	33	135	15	150	166	17	183			
37		37	22		22	34		34	56		56			
1		1	1		1	2		2	3		3			
60	307	367	33	190	223	61	197	258	94	381	475		6	6
	194	194		245	245		29	29		259	259		15	15
20		20				36		36	36		36			
125		125	88		88	322		322	410		410			
7		7	2		2	15		15	17		17			
48		48	13		13	149		149	161		161	1		1
9		9	17		17	5		5	21		21	1		1
5		5				22		22	22		22			
22	12	34	8	12	20	28	30	58	36	42	78			
303		303	69		69	407		407	452		452	24		24
76		76	32		32	71		71	100		100	3		3
80		80	23		23	73		73	95		95	1		1
	287	287		223	223		223	223		429	429		17	17
22		22	5		5	22		22	27		27			
20		20	4		4	60		60	73		73			
226		226	72		72	281		281	346		346	7		7
	321	321		320	320		17	17		461	461		34	34
	6	6		17	17		7	7		24	24			
53		53	14		14	69		69	81		81	2		2
5		5	7		7				7		7			
24	5	29	15	8	23	20	1	21	35	9	44			
	57	57		49	49		40	40		87	87		2	2
57		57	11		11	75		75	81		81	5		5
158		158	70		70	160		160	225		225	5		5
	169	169		131	131		111	111		228	228		14	14
7		7	6		6	8		8	14		14			
20		20	7		7	20		20	33		33			
	5	5				12		12		12				
50		50	14	2	16	54	1	55	48	3	51	20		20
31	45	76	5	30	35	41	71	112	46	99	145		2	
	9	9		11	11		4	4		14	14		1	1
13		13	1		1	17		17	18		18			
8		8	5		5	16		16	21		21			
17		17	12		12	24		24	36		36			
	82	82		81	81		48	48		123	123		6	6
14		14				21		21	21		21			
2		2	1		1	7		7	8		8			
244		244	89		89	303		303	402		402			
3		3	2		2	6		6	8		8			
18		18	7		7	8		8	14	6	20			
	30	30		19	19		32	32		51	51			
6		6	3		3	4		4	7		7			
80		80	13		13	30		30	43		43			
1		1	3		3	2		2	5		5			
							3	3		3	3			
4		4	1		1	4		4	5		5			
3		3	5		5				5		5			
4	11	15	1	2	3	3	9	12	4	11	15			
5		5	1		1	5		5	6		6			
1		1				4		4	4		4			
2		2				7		7	7		7			
96		96	37		37	116		116	153		153			
86		86	22		22	18		18	40		40			
2		2				4		4	4		4			
2,134	1,897	4,031	822	1,473	2,295	2,932	1,423	4,355	3,683	2,796	6,479	71	100	171

TABLE II. — DURATION AND CAUSE OF

OCCUPATION	DURATION OF		
	MEN.		
	Number of Days.		
	Highest.	Lowest.	Average.
Bakers.....	60	7	23
Bartenders.....	60	7	28
Bell boys.....	150	7	35
Blacksmiths.....	150	4	44
Bookkeepers.....	150	5	35
Butchers.....	90	7	32
Butlers.....	150	2	23
Caretakers.....	30	14	18
Carpenters.....	190	2	32
Chambermaids and waitresses.....			
Clerks.....	90	8	23
Coachmen.....	120	7	40
Collectors.....	42	30	36
Cooks.....	120	1	45
Day workers.....			
Dish washers.....	120	7	27
Drivers.....	120	1	45
Electricians.....	120	7	33
Elevator runners.....	150	7	30
Engineers.....	150	7	36
Errand boys.....	90	2	26
Factory hands.....	60	2	48
Farmers.....	110	3	47
Firemen.....	18	3	14
Gardeners.....	42	1	2
General houseworkers.....			
Grooms.....	30	30	30
Hall boys.....	180	2	29
Handy men.....	210	4	32
Hotel cleaners.....			
Housekeepers.....			
Housemen.....	90	1	27
Iron workers.....	56	10	30
Janitors.....	180	5	32
Kitchen maids.....			
Kitchen men.....	180	1	29
Laborers.....	180	3	40
Laundresses.....			
Laundry men.....	60	7	30
Machinists.....	31	7	21
Maids and seamstresses.....			
Miscellaneous.....	60	7	20
Nurses and attendants.....	150	1	34
Office cleaners.....			
Omnibus.....	120	5	24
Packers.....	60	7	28
Painters.....	120	3	35
Pantry maids.....			
Pantry men.....	62	4	20
Plumbers' helpers.....	90	1	4
Porters.....	180	7	40
Freemen.....	30	2	13
Salespeople.....	120	30	35
Seamstresses.....			
Silver men.....	11	1	4
Stable men.....	120	7	37
Steamfitters.....	82	14	44
Stenographers.....			
Stewards.....	60	14	35
Stone cutters.....	30	30	30
Storeroom workers.....	5	1	8
Upholsterers.....	90	30	52
Valets.....	90	28	40
Wagon boys.....	30	5	25
Waiters.....	180	4	24
Watchmen.....	180	10	40
Yardmen.....	10	1	8

## IDLENESS OF APPLICANTS FOR SITUATIONS.

IDLENESS.			CAUSE OF IDLENESS.					
WOMEN.			MEN.			WOMEN.		
Number of days.								
Highest.	Lowest.	Average.	Illness.	No work.	Other causes.	Illness.	No work.	Other causes.
			3	4				
			13	10				
			13	8	15			
			5		6			
			6	5	4			
			3	2	3			
			9	10	14			
			2		6			
			9	24	15			
240	1	26				15	3	522
90	14	27	38	97	31			17
			20	15	21			
					3			
220	1	35	30	30	34	17		370
217	1	17				3	3	268
			8	14	14			
			83	125	202			
			8	6	8			
			55	46	61			
			3	9	10			
			5	7	10			
150	2	22	23	6	7	3	2	37
			70	190	216			
			16	47	40			
			16	30	50			
248	3	32				15		431
			7	10	10			
			10	23	40			
			75	123	155			
270	10	25				45	2	448
210	14	27	20	22	41			24
				7				
120	3	36	3	10	22			9
180	3	25				6	2	81
			26	20	40			
			39	100	91			
270	2	32				10		232
			10		4			
			3	20	10			
94	7	13						12
120	1	80	4	12	52			3
127	7	21	14	10	22	3		98
180	14	38				1	1	13
			9	4	5			
			3	10	8			
			7	17	12			
181	4	28				6	1	122
			6		8			
				5	3			
			78	189	135			
			1	7				
180	73	21	5	5	4			6
120	14	21				3	3	45
			2	3	2			
			10	23	10			
				5				
14	2	10						3
			1	4				
			1	4				
98	14	24		1	3	2		9
			2	2	2			
				4				
				2	5			
			33	50	70			
			7	13	20			
				2	2			



TABLE III.—SHOWING THE RATES OF WAGES RECEIVED B

OCCUPATION.	Per		
	MEN.		
	Highest.	Lowest.	Average.
Bakers.....	\$10 00	\$10 00	\$10 00
Bartenders.....	15 00	10 00	12 00
Bell boys.....	10 00	3 00	4 70
Blacksmiths.....	16 00	10 50	12 30
Bookkeepers.....	20 00	14 00	18 00
Butchers.....	14 00	9 00	10 50
Butlers.....	*12 00	*7 00	*8 00
Caretakers.....	10 00	7 00	9 00
Carpenters.....	27 00	12 00	21 00
Chambermaids and waitresses.....			
Clerks.....	18 00	6 00	10 00
Coachmen.....	15 00	10 00	13 00
Collectors.....	15 00	10 00	12 00
Cooks.....	*20 00	*5 00	*10 00
Dayworkers.....			
Dishwashers.....	*12 00	*4 00	*5 00
Drivers.....	16 00	10 00	13 00
Electricians.....	35 00	10 00	12 25
Elevator runners.....	12 50	6 00	9 00
Engineers.....	20 00	12 00	12 40
Errand boys.....	9 00	3 00	4 10
Factory hands.....	15 00	7 00	9 00
Farmers.....			
Firemen.....	16 00	9 00	10 00
Gardeners.....	12 00	7 00	9 00
General houseworkers.....			
Grooms.....	15 00	12 00	12 30
Hall boys.....	9 00	3 00	5 00
Handymen.....	12 50	10 00	12 13
Hotel cleaners.....			
Housekeepers.....			
Housemen.....	12 00	10 00	11 00
Iron workers.....	12 30	12 00	12 25
Janitors.....	15 00	7 00	11 00
Kitchenmaids.....			
Kitchenmen.....	12 00	4 00	7 00
Laborers.....	18 00	7 00	9 00
Laundresses.....			
Laundrymen.....	18 00	6 00	11 00
Machinists.....	16 50	10 00	11 00
Maids and seamstresses.....			
Miscellaneous.....	18 00	7 00	10 00
Nurses and attendants.....			
Office cleaners.....			
Omnibus.....	*10 00	*5 00	*9 00
Packers.....	14 00	7 00	10 60
Painters.....	18 00	12 00	16 00
Pantrymaids.....			
Pantrymen.....	*7 00	*4 00	*5 40
Plumbers' helpers.....	10 00	6 00	7 00
Porters.....	20 00	7 00	10 11
Pressmen.....	29 00	17 00	18 60
Salespeople.....	20 00	6 00	13 00
Seamstresses.....			
Silvermen.....	17 00	*10 00	11 60
Stablemen.....	15 00	9 00	12 00
Steamfitters.....	10 50	9 00	14 00
Stenographers.....			
Stewards.....	*15 00	*10 00	*12 00
Stone cutters.....	18 00	18 00	18 00
Store-room workers.....	*17 00	*8 00	*10 00
Unholsterers.....	18 00	10 00	14 00
Valets.....	11 00	7 00	9 00
Wagon boys.....	5 00	5 00	5 00
Waiters.....	*11 00	*4 50	8 00
Watchmen.....	15 00	9 00	11 00
Yardmen.....	*12 00	*7 00	*10 00

\* With board. † Per day. ‡ Without

## Y APPLICANTS AT THEIR LAST PLACES OF EMPLOYMENT.

WEEK.			PER MONTH WITH BOARD.					
WOMEN.			MEN.			WOMEN.		
Highest.	Lowest.	Average.	Highest.	Lowest.	Average.	Highest.	Lowest.	Average.
			\$25 00	\$25 00	\$25 00			
			50 00	20 00	36 00			
			30 00	15 00	20 00			
			\$35 00	20 00	30 00			
			25 00	25 00	25 00			
			60 00	20 00	45 00			
			\$35 00	\$10 00	\$25 00			
*\$8 00	*\$3 00	*\$5 15				\$30 00	\$8 00	\$13 00
*12 00	3 00	6 46	\$40 00	\$20 00	\$24 00	\$35 00	\$35 00	\$35 00
			60 00	28 00	38 00			
			\$50 00	\$50 00	\$50 00			
*2 00	*4 00	*5 93	100 00	15 00	43 00	50 00	12 00	22 25
12 00	11 00	11 30						
			25 00	15 00	20 00			
			\$50 00	20 00	35 00			
			\$50 00	15 00	25 00			
			\$75 00	\$60 00	\$67 00			
12 00	3 00	6 13						
			\$75 00	10 00	14 00			
			40 00	18 00	30 00			
			\$50 00	15 00	25 00			
*9 00	*2 00	*5 10	48 00	18 00	26 00	30 00	5 00	14 49
			35 00	12 00	26 00			
			40 00	11 00	21 00			
*7 50	*3 00	*5 36				30 00	10 00	13 47
			60 00	15 00	22 00	30 00	15 00	22 73
			\$50 00	15 00	29 00	\$20 00	8 00	16 00
*6 00	*3 00	*5 00	35 00	12 00	23 00	20 00	5 00	14 79
15 00	3 54	6 54				45 00	10 00	16 18
			40 00	16 00	25 00			
						30 00	8 00	16 64
12 00	8 00	10 00	45 00	20 00	34 00	25 00	25 00	25 00
			30 00	12 00	27 00			
4 50	4 50	4 50	20 00	16 00	36 00	\$20 00	\$16 00	\$18 25
*6 00	*3 00	*5 12				22 00	12 00	14 34
			40 00	15 00	23 00			
12 00	5 00	7 60						
18 00	6 50	9 03	35 00	20 00	26 00	25 00	15 00	16 66
8 00	5 00	6 33						
			75 00	20 00	31 00			
			35 00	20 60	28 00	25 00	18 00	22 11
			50 00	18 00	29 60			
			48 00	15 00	23 00			
			\$60 00	20 00	37 00			
			30 00	18 00	20 00			

board. § Rooms, light and fuel.

**TABLE IV.—SHOWING THE RATES OF WAGES RECEIVED BY APPLICANTS IN POSITIONS OBTAINED FOR THEM BY THE BUREAU.**

OCCUPATION.	RATES OF WAGES PER MONTH, WHITE BOARD.				RATES OF WAGES PER WEEK.			
	MALE.				FEMALE.			
	Highest.	Lowest.	Average.		Highest.	Lowest.	Average.	
Bakers.....	\$55 00	\$18 00	\$36 50					
Bell boys.....	45 00	25 00	38 35					
Butlers.....	35 00	35 00	35 00	\$20 00	\$10 00	\$13 98		
Chambermaids and waitresses.....	20 00	20 00	20 00					
Clerks.....	60 00	25 00	35 50	55 00	12 00	18 73		
Coachmen.....								
Cooks.....								
Day workers.....								
Drivers.....	\$40 00	18 00	37 40					
Elevator runners.....	25 00	16 00	20 25					
Engineers.....	40 00	30 00	35 00					
Farmers.....	25 00	12 00	14 20					
Firemen.....	40 00	28 00	31 66					
Fremen.....	45 00	18 00	21 45					
Gardeners.....								
General houseworkers.....				22 00	8 00	14 73		
Hall boys.....	25 00	8 00	12 00					
Handymen.....	25 00	10 00	13 00					
Hotel cleaners.....				20 00	10 00	13 50		
Housekeepers.....				18 00	13 00	18 00		
Housemen.....	30 00	15 00	19 50					
Housewives.....	35 00	20 00	27 50					
Janitors.....				20 00	10 00	14 03		
Kitchen maids.....	25 00	10 00	13 50					
Kitchen men.....								
Laundresses.....				25 00	10 00	15 57		
Laubors.....				14 00	14 00	14 00		
Linens room girls.....				16 00	8 00	12 80		
Nurses.....	12 00	12 00	12 00					
Office boys.....	15 00	7 00	7 35					
Omnibus.....	25 00	15 00	18 25					
Orderlies.....								
Ornatry maids.....				20 00	10 00	13 80		

Pantrymen.....	19 00	15 00	15 16	10 50	15 00	15 50	11 50	11 50	11 50
Pin boys.....	15 00	6 00	13 00	10 00	6 00	8 50	8 50	8 50	8 50
Porters.....	40 00	12 00	14 10	13 00	13 00	13 00	13 00	13 00	13 00
Rock drillers.....				11 85	11 85	11 85	11 85	11 85	11 85
Rock drillers' helpers.....									
Seamstresses.....									
Stablemen.....	25 00	20 00	23 30	8 00	5 00	6 30	6 30	6 30	6 30
Waiters.....	25 00	12 00	19 35	10 00	7 00	8 50	8 50	8 50	8 50
Watchmen.....	25 00	25 00	25 00	11 00	11 00	11 00	11 00	11 00	11 00
Window cleaners.....	20 00	20 00	20 00						

\* Without board. † With board. ‡ Per day.

TABLE V.—SHOWING THE AGES OF APPLICANTS.

	Male.	Female.	Total.
Under twenty years.....	472	195	667
Between twenty and thirty years.....	1,855	858	2,713
Between thirty and forty years.....	903	902	1,810
Between forty and fifty years.....	386	639	1,025
Between fifty and sixty years.....	115	239	354
Over sixty.....	18	63	81
	3,754	2,896	6,650

TABLE VI.—SHOWING NUMBER OF APPLICANTS HAVING CHILDREN AND NUMBER THAT ARE DEPENDENT.

NUMBER OF CHILDREN.	APPLICANTS REPORTING THAT THEY HAVE CHILDREN.			Total number of children.
	Men.	Women.	Total.	
1.....	169	370	539	539
2.....	141	221	362	724
3.....	80	102	182	546
4.....	49	54	103	412
5.....	31	28	59	295
6.....	12	8	20	120
7.....	17	4	21	147
8.....	3	3	6	24
	502	787	1,289	2,507

NUMBER OF CHILDREN.	NUMBER REPORTING HAVING DEPENDENT CHILDREN.			Total number of children.
	Men.	Women.	Total.	
1.....	135	260	395	395
2.....	112	155	267	734
3.....	58	52	110	330
4.....	34	20	54	216
5.....	15	10	25	125
6.....	4	5	9	54
7.....	5	1	6	42
8.....	3	.....	3	24
	366	503	869	1,920

### III.

#### LABOR LEGISLATION IN 1904.

Several important statutes relating to the interests of labor were enacted at the session of 1904, conspicuous among which are the new act for the regulation and control of employment agencies in cities of the first and second classes; the act virtually re-writing the law for the control of tenement manufactures ("sweat shops," as they are frequently designated); the act which makes bribery or attempted bribery of representatives of labor organizations a crime; the act making the illegal use of union labels a crime; the act relating to the assignment of wages, etc. In the following pages these and other "labor" laws are reviewed, as well as the leading decisions of the courts on labor matters and the bills that were introduced in the Legislature but failed of enactment, thus giving a connected history of the legal phases of the labor movement in this State during the year.

The annual message of the Governor contained the following recommendations respecting the relations of employees and employers:

The Labor Department has been administered in a judicious manner. The authority and power vested in the Department have been exerted whenever possible toward effecting settlement of strikes and lockouts. I understand that numerous applications will be made to the present Legislature for amendments to existing statutes affecting labor. There is too often a misunderstanding of the relations which should exist between the employer and his employee, and frequently laws are enacted which are burdensome and oppressive to one or both of these great interests. In the protection of both the commonwealth is equally interested. Care should be exercised, therefore, by your committees and by the Legislature in the enactment of new statutes. While it is your duty to protect equally both labor and capital, neither should seek nor be afforded advantages which are detrimental to the interests of the other. The right of every man to sell his labor to the best advantage is self-evident and axiomatic. The numerous disputes which have arisen have resulted in judicial interpretation of the statutes and the Constitution of the State from time to time, interpretations which have tended to define the relations which should exist between these interests. In the main, these judicial findings have been beneficial and therefore it should not be the object of the Legislature to attempt to nullify them by amendments to the present laws. Some statutes, which have been passed with good intentions, are a positive hindrance to the enjoyment of those rights which are inherent under our form of government. The employers should be protected as well as the employees. While the Legislature should make ample provision for the protection of the workingman, it should not disregard the rights of the employer. The elimination of those conditions which produce strikes and lockouts is desirable, but it is as much the duty of the State to protect indi-

viduals in the complete enjoyment of their rights as it is to protect aggregations of individuals combined for specific purposes. Stringent laws which will protect the employer against blackmailing designs are as important as the protection of the workman in his rights. I believe the time has come when every sensible man recognizes the propriety of legislation which will accomplish these results.

#### CHILD LABOR.

After the comprehensive amendments made to the child labor laws in 1903, one does not look for important changes in the statutes in 1904, and one finds that the only enactments under this heading relate to such supplementary laws as the compulsory education act for Indian children, and the public health law governing the registration of births. Chapter 424, the revised school law for Indian children, is in general agreement with the revised school law, as it prohibits the employment of Indian children under 14 years of age during the school term, and of those between 14 and 16 years of age, except with the permission of the school superintendent. The pertinent portions of this act are printed in Appendix I. Chapters 392 and 484, not reprinted, contain amendments of the sections of the public health law relating to vital statistics. The former requires the insertion of the given name of a new-born child in the certificate of birth filed with the board of health, thereby improving the public records which serve as the source of information to officers called upon in later years to furnish evidence of the age of children seeking employment certificates.\*

Owing to a slight ambiguity in that section of the new law which specifies the documents to be submitted by a child applying for an employment certificate, the Commissioner of Labor early in October requested from the Attorney-General an opinion on the question whether the affidavit of the parent could be accepted by the health officer as a substitute for the proof of age from the records of registration or baptism. The Attorney-General's reply was as follows:

"I note that you desire an interpretation by me of the provisions of section 71 of the labor laws as amended by chapter 184 of the Laws of 1903.

"This section is relative to the issuance of an employment certificate by the commissioner of health or the executive officer of the board or depart-

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\* The amendment, which took effect April 26, 1904, reads as follows: "The physician or midwife attending at the birth of a child, shall, at the time of filing such certificate of birth, unless it contains the given name of such child, cause to be furnished to the parents or custodian of such child a name card, which shall be filled in by such parent or custodian with the given name of such child when named, and immediately filed in the same office where certificates of birth are filed. Blank name cards shall be furnished by local boards of health in the form prescribed by the state department of health, the expense of which shall be a charge upon the municipality. Rules and regulations shall be adopted by local boards of health providing for the enforcement of this section."

ment of health of a city, town or village, which certificate is made necessary by the act in order to permit of a child of certain age to be employed. The material portion of such section is as follows:

“Such officer shall not issue a certificate until he has received, examined and approved and filed the following papers, duly executed: 1. The school record of such child properly filled out and signed as provided in this article. 2. A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births shall be conclusive evidence of the age of such child. 3. The affidavit of the parent or guardian or custodian of a child, which shall be required, however, only in case such last-mentioned transcript of the certificate of birth be not produced and filed, showing the place of birth of such child.”

“From a perusal of the above I have arrived at the conclusion that the school record, provided for in subdivision 1, must be furnished in all cases; that one of the papers specified in subdivision 2 must be furnished in all cases; that in case a duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births shall not be prepared under subdivision 2 and furnished in pursuance of this act, then the affidavit of the parent or guardian or custodian of a child, as required by subdivision 3, must also be furnished. If the paper furnished under subdivision 2 is a duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births, then the affidavit of the parent or guardian or custodian of the child, under subdivision 3, is unnecessary and may be dispensed with.”

The validity of the revised school law was tested in an action brought by the New York Board of Education against the Chelsea Jute Mills, who had employed children under the legal age on the representation of their parents that said children had attained the age of 16 years. One of these children was only 12 years old, but the company interposed the defense that in relying upon the affidavit of the child's parent that she was 16 years of age it had acted in good faith and could not be punished in the absence of proof of intent to violate the law. Justice Roesch, before whom the case was tried, overruled this contention, declaring that the statute is absolute and “must necessarily be so to accomplish its object. The employer acts at his peril. The fact of employment makes him liable. The contention of the defendant would require judicial legislation and render the statute nugatory, for good faith could easily be alleged and seldom disproved. It would furthermore put a premium on perjury to obtain employment.” (See review of the case, *City of New York v. Chelsea Jute Mills*, in Appendix II.)

Justice Roesch referred in his opinion to the negligence case of *Marino v. Lehmaier*, commented on in last year's report as tend-



ing to make the employer entirely responsible for the safety of any child employed under the age of 14 years. That case furnished a precedent for a decision by the Appellate Division, First Department, in February, 1904, holding that the employment of a boy over 14 but under 16 years of age on a dangerous machine, in contravention of section 81 of the Labor Law, was evidence of negligence which might justify a jury in awarding damages in case such employee was accidentally injured. On this point the majority opinion was as follows:

"In the case of *Marino v. Lehmaier*, 173 N. Y. 530, where a boy thirteen years of age employed in a factory in violation of another provision of the Labor Law, prohibiting the employment of children under the age of fourteen years in factories, was injured by the starting of a cog wheel while he was cleaning a press, the Court of Appeals held that the mere employment of the plaintiff in violation of the statute was evidence of negligence on the part of the defendant sufficient to take the case to the jury, and that the statute amounted to a legislative declaration that children under fourteen years of age, in accepting employment and performing duties assigned to them in violation of the law, were not of sufficient age and discretion to be deemed guilty of contributory negligence as matter of law. The prohibition against the employment of children under sixteen years of age in the operation, or assisting in the operation, of dangerous machinery requires the same construction. The Legislature, although it saw fit to permit the employment of children over fourteen and under sixteen years of age in factories, deemed it necessary to prohibit their employment in operating or assisting in the operation of dangerous machines. It is evident that the Legislature appreciated that children between those ages are apt to be thoughtless and absent-minded and to have their attention diverted from work, and, therefore, are liable to injury if working on dangerous machines. The effect of the Court of Appeals decision in the *Marino* case is that contributory negligence even in such case relieves the employer of liability; but that it is a question for the jury whether or not the infant was guilty of contributory negligence."—*Gallenkamp v. Garvin Machine Co.*, 91 App. Div. 141.

In November, however, the Court of Appeals unanimously reversed this decision and affirmed, without opinion, the action of the trial court in dismissing the complaint; adopting as its own the dissenting opinion of Justice Ingraham of the Appellate Division (177 N. Y. 588, Mem.).

Another liability case involving the child labor law was decided by the Fourth Appellate Division in July. A cash boy employed in a Buffalo store was killed by a fall down an elevator shaft. Though under 16 years of age, his employment certificate was not on file at the time of the accident, and his counsel made the point that under the *Marino* precedent the boy could not be charged with contributory negligence, since he did not assume the risks

of employment. The defendant, however, proved that the boy had applied for and obtained the necessary certificate from the local department of health, but had failed to deliver it to the employer, although he had promised several times to do so. The court held that

"The failure to file the certificate does not enlarge the liability of the defendant. This part of the statute is directory and is for the purpose of furnishing proof of compliance with the law to the officers of the board of health desiring to inspect it. The essence of the statute is the issuing of the certificate, not its filing in the office of the employer. Where there is a substantial compliance with the provisions of this act, the onus is upon the plaintiff in the event of injury in the discharge of his service to show the absence of contributory negligence precisely the same as if the statute were not in force."—*Lowry v. Anderson Co.*, 96 App. Div. 465.

#### HOURS OF LABOR.

There was no new legislation on this subject in 1904. The bill (reprinted as exhibit 1, in Appendix III) providing for a nine-hour instead of a ten-hour work-day for women and minors was not reported out of committee in either house. Several bills relating to Sunday rest were introduced but none was enacted into law. The Phillips bill (Introd. No. 639, printed No. 1380, given as exhibit 12 in last year's report) to include bootblacks among occupations not allowed to be exercised on Sunday passed the Assembly but did not go beyond general orders in the Senate. The Leggett bill (Assembly No. 116), which proposed to allow the barbers of Niagara Falls, like those of New York City and Saratoga Springs, to keep their shops open on Sunday was defeated in the Assembly. And neither of the Assembly bills regarding the sale of groceries, meats, etc., on Sunday passed that branch of the Legislature.\*

While the authority of the Legislature to regulate and restrict the hours of work of women and minors is no longer questioned, its competence to restrict the freedom of a male citizen of mature age to contract for long or short hours at his own pleasure has never been definitely settled. One of the leading cases in this State up to the present year has been that involving the Barbers' Sunday Closing Law (*People v. Havnor*, 149 N. Y. 201) enacted in 1895. But on January 12, 1904, the Court of Appeals handed down a decision in which, by a vote of four to three, it affirmed the decisions of the inferior courts and held valid and constitu-

\* Mr. Monroe's bill (Introd. No. 26, Printed No. 1804, reproduced as exhibit 2 in Appendix III) was laid aside on the order of second reading. Mr. Burns's bill (Introd. 690, print. 1262) was not reported from the Codes Committee.

tional that section of the Labor Law which prohibits the employment of a baker more than ten hours in any one day.

The ten-hour restriction was originally enacted in 1895 as a section of an act regulating the manufacture of flour and meal food products, which, among other requirements designed to improve the unsanitary conditions of work in bakeshops, provided that no employee in a bakery or confectionery establishment should be required or permitted to work more than sixty hours a week or more than ten hours a day, except to secure a shorter work-day on Saturday (chapter 518 of the Laws of 1895; re-enacted in 1897 as Section VIII of the General Labor Law). This was one of the earliest laws passed by an American State for the restriction of the working-time of men of mature age, preceding by one year the Utah eight-hour law for miners. Statutes prescribing the maximum hours of labor of women and minors had been enacted much earlier and usually sustained by the courts. But the prevalent doctrine of *laissez-faire* or the "let-alone" policy had prevented the extension of all such protection in this country to adult males, who were regarded as sufficiently independent to establish their own working schedule if left free to contract with employers themselves. Experience proved, however, that while in many industries the workmen were strong and resolute in defense of their rights and needs, and capable of that degree of self-sacrifice which is required by organized effort to improve their conditions, there were some trades in which the necessary coöperation could not be secured owing to the exhaustion of the workmen through the excessively long hours of work. Among such occupations were the bakers, who were confined in hot, ill-ventilated quarters during many hours of the night. The Legislature was convinced of their need of legal protection and enacted the bakeshop inspection law above cited.

Notwithstanding the opposition to state interference with freedom of contract, the New York ten-hour law stood uncontested for six years, whereas the eight-hour law in Utah was almost immediately tested in the courts and within two years reached the Supreme Court of the United States (*Holden v. Hardy*, 169 U. S. 366) where its constitutionality was sustained in every particular. The authoritative decision which the highest court in the land rendered in 1898 necessarily detracts somewhat from the importance of the decision now handed down by the Court of Appeals of this State affirming the constitutionality of

these statutory restrictions upon the freedom of bakers to contract for long hours of service, notwithstanding the deleterious effects thereby wrought upon the health of a large body of workers. In each case the police power of the State exercised in the interest of the public health is deemed sufficient to justify legislative interference with the ordinary freedom of contract guaranteed by the constitution. The "police power" of the State has never been narrowly defined, for the very idea of such a reserve power belonging to the State precludes definition, which would be likely to hamper its exercise under new conditions in the future. In each case that arises the courts determine whether or not the statute in dispute was designed by the Legislature to conserve the public health; in which event this reserve authority known as the "police power" may be invoked to justify the setting aside of the constitutional guarantee of freedom of contract. While the rule is that the statute must bear on its face the intention of the Legislature to act in the interest of the public health, the courts usually require some evidence that the statute really does conserve the public health. Hence many of the decisions, in the final analysis, rest on the opinions of the judges as to the degree of unhealthfulness of the work or occupation regulated. In the present case five of the seven judges handed down opinions, which in the aggregate fill forty-four pages in the official reports, a fact which indicates the general interest and importance attaching to the case, but also renders impracticable a complete summary of the opinions in this place. Four of the judges are of opinion that work in bakeries, because of the necessity of breathing flour dust, of being confined in hot, ill-ventilated rooms, and for other reasons, may be especially unhealthful, so that hours of labor may be limited under the police power. According to the view of the majority, the Legislature may have had sufficient ground for concluding that excessive labor would not only affect the health and shorten the lives of the bakers, but also, through impairing the quality of their work, tend to inflict an inferior food product on the public. The minority of the court are of the opinion that the Legislature could not legitimately make any such health discrimination in favor of bakers. Since the differences that manifest themselves in the several opinions really turn on individual opinions as to the relative healthfulness or unhealthfulness of the occupation, one realizes as never before the need of official statistics of trade diseases and occupational mortality, such as have been begun by the English government.

The *Lochner* case has been before the courts three years, having arisen in Utica in 1901, through the prosecution of the defendant, an employing baker, for permitting an employee to work more than sixty hours a week, in violation of section 110 of the Labor Law. Deputy Factory Inspector O'Rourke, who initiated proceedings against the defendant, secured a conviction under section 384-l of the Penal Code, which makes a violation a misdemeanor. On appeal, the Appellate Division, Fourth Department, early in 1904, affirmed the constitutionality of the law, and the Court of Appeals has now taken the same position. Five of the seven judges wrote opinions, which are reprinted in Appendix II; the majority opinion was by Chief Judge Parker, but Judges Gray and Vann also read for affirmance, and Judge Haight concurred, while Judges O'Brien and Bartlett read for reversal, and Judge Martin concurred.

About this time the question arose in the Bureau of Factory Inspection as to the applicability of the ten-hour restriction to an establishment manufacturing a cereal product directly from the wheat. While the product was incidentally subjected to the baking process, no flour was used and none of the usual operations performed by bakers, save the insertion of the article in ovens, which stood in large, well-ventilated rooms. At the same time Article VIII of the Labor Law, in its original form, applied to the manufacture of flour and meal products. The question was submitted to the Attorney-General, who decided that the statute covered "all cases where food products are obtained from edible grain by baking," not simply to concerns engaged in the manufacture of bread and biscuit made of flour or meal. (Appendix II.)

The important decisions on the eight-hour law are discussed under the heading of public employment.

#### SANITATION AND SAFETY.

Two of the laws enacted in 1904 may be properly termed health measures. Chapter 291, which carries the only amendment to the Factory Law proper made in 1904, requires workrooms, halls and stairways in factories to be properly lighted, and in New York City and Buffalo a light must, if ordered by the Commissioner of Labor, be kept burning in the public hallways on each floor during working hours, except when natural light suffices. This enactment was deemed necessary in the interest of public morality, and particularly affects the tenement buildings filled with the small workshops of clothing contractors.

## THE REGULATION OF TENEMENT MANUFACTURING.

Chapter 550, which is by far the most important piece of labor legislation of the session, radically alters the system of control over tenement manufactures or "sweat shops," as they are popularly termed. Twenty years have now elapsed since the Legislature of this State undertook to regulate the system of domestic manufacturing that sprang up in New York City with the incoming of the hordes of alien immigrants from Central and Eastern Europe. The act of 1884 prohibiting the manufacture of cigars in tenement houses was at once held unconstitutional. Two years later the first factory law was enacted and those tenement shops that were not used as living rooms were thereby brought under public supervision. In 1892 the law attempted a differentiation between workshops and workrooms in tenement houses by providing that in workplaces in living rooms only members of the family should be employed, and that tenement workplaces in which outsiders were employed should be disconnected from living rooms, thus making them subject to regular factory inspection. This law of 1892 was strengthened by amendments in 1893 and 1896 and entirely recast in 1899, when the system of licensing domestic workrooms was introduced. This law, with the model tenement-house law of 1901, worked a considerable improvement in the sanitary condition of tenement workplaces. The progress of industry and the organization of the workers have also worked toward the same end in that they have promoted the transfer of a considerable proportion of the manufacturing from the small to the large shop or factory. This revolution has been in large part accomplished in the manufacture of men's clothing, save that the "finishing" of ready-made garments is still done by women in the home; but the making of underwear, artificial feathers and flowers, and various other articles of commerce is still largely done in domestic workrooms, where uncleanness, overcrowding and lack of ventilation endanger the health of the workers and also the consumers of their products.\*

After a trial of five years the factory inspectors became convinced that the supervision of these numerous workplaces would be facilitated if the responsibility for maintaining good sanitary conditions were transferred from the tenants to the landlords and manufacturers, and the Commissioner of Labor in his report to the Legislature last year accordingly recommended that—

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\* Cf. Twentieth Annual Report of the Bureau of Labor Statistics (1902)

Article VII of the Labor Law, relating to tenement manufactures, should be amended to do away with the provision to license individual apartments in the name of the occupant, substituting therefor a system whereby the entire building shall be licensed in the name of the owner, placing the responsibility for conditions existing therein squarely on the shoulders of said owner. This plan would simplify the problem, and instead of having to deal with over thirty thousand persons and separate apartments our Department would have not to exceed three thousand cases to handle under the proposed amendment. It would facilitate inspection and make a proper supervision of tenement work an accomplished fact within a very short time. Moreover, our manufacturers would have no difficulty in securing a complete list of licensed tenement buildings and thereby guard against sending any of their goods to improper places.

Philanthropic societies recommended some other changes in the law, all of which were embodied in the bill introduced early in April, passed without amendment by the Legislature and signed, on May 3d, by the Governor. The fundamental change in the law making the landlord responsible for an entire building promises to relieve the Bureau of Factory Inspection of a multitude of details arising from the listing and inspection of 25,000 workrooms in New York City, the occupants of which are frequently changing their residence; and a change in definitions promises to relieve the Bureau of a lot of unnecessary work in licensing domestic workrooms in villages and small cities. The present law requires the licensing of workrooms in all tenement or dwelling houses, thereby applying the same restrictions to a dressmaker's workroom in a suburban or village cottage as to a crowded New York "sweat shop." The new law accepts the definition of a tenement house that has long existed in the tenement-house legislation for New York City, namely, a house occupied by three or more families doing their cooking upon the premises, or a building in the rear of any such tenement. Under the new law the village dressmaker will no longer be troubled with regulations designed for a city "sweat shop."

The new law makes accessible to the Department of Labor the records of local boards of health and also those of the New York City tenement-house department and authorizes the refusal of a license in all cases where a building or an apartment cannot produce a clean "bill of health" from these authorities. It goes further and specifically prohibits the manufacture of the designated articles in any room in which there exists a case of communicable disease until the department of health shall certify to the Commissioner of Labor that such disease has terminated and the room or apartment been properly disinfected.

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In placing the chief responsibility for maintaining sanitary conditions upon the owner of the house, the law will relieve the Department of Labor of some odium incurred by its refusal to license apartments that were in themselves cleanly, on the ground that the public halls, stairways or toilet rooms of a tenement house are not in a proper sanitary condition. The tenant will easily comprehend that the landlord and not the public official is to blame; whereas under the present system, he thinks himself unjustly treated if, by keeping his own apartment scrupulously clean, he is nevertheless unable to secure a license as a consequence of the house-owner's negligence.

The Commissioner of Labor is required to inspect all licensed tenement houses twice a year and if he finds any unsanitary conditions, must issue orders to the owner to remedy such condition. Failure to comply with such orders within ten days may be punished by the Commissioner with revocation of the license, without which no domestic manufacturing can be carried on anywhere in the house. If unsanitary conditions are found to exist in individual apartments, the Department of Labor must notify the tenants to clean the same immediately and in case the apartments are not kept clean the Commissioner is authorized to affix to the entrance door a placard prohibiting the manufacture of the designated articles therein. No person except the representative of the Commissioner may remove such placard.

In thus providing for an extreme penalty for habitual uncleanness the law does not relieve the house owner of his responsibility, as it retains the penalty upon landlords for permitting unlawful use of apartments in their houses. Within ten (formerly thirty) days after receipt of notice from the Department of Labor that a room or apartment is being unlawfully used for domestic manufacturing, the house owner must cause such use to be discontinued, or must within fifteen days institute proceedings for the dispossession of such tenant.

A new provision of the law places added responsibility upon manufacturers who give out work to be done in tenements. At present they are merely required to keep a register of "out-workers" and furnish same to the Department of Labor. But under the new law they are required, before giving out any work on the enumerated articles, to ascertain from the Department of Labor whether the house in which the intending workers reside is duly licensed, and from the local board of health whether any contagious disease exists in the room or apartment which they



occupy; and the law forbids the manufacturer from giving out materials to any person residing in an unlicensed house or in a room in which there exists any contagious or communicable disease.

The local board of health is required to inspect, within forty-eight hours, any tenement house wherein contagious disease is discovered by the inspectors of the Department of Labor and, as at present, to condemn and destroy infected articles and issue such orders as the public health may require. The health department is further required to furnish to the Commissioner of Labor, upon his request, copies of its records as to the presence of contagious disease in tenement houses and such other information as the Commissioner may require to carry out the law.

Another noteworthy change is the extension of the list of articles to which the law applies. Hitherto the law enumerated twenty-seven articles, to which the new act adds aprons, slippers, pocketbooks and paper bags and boxes.

The new law went into force on the first day of October, 1904, which is the beginning of a new fiscal year in the Bureau of Factory Inspection.

In enacting the new "sweat shop" law, the Legislature adopted the least radical of the three measures presented. A bill (Assembly, Nos. 559, 1061) similar to one introduced last year (and reprinted as exhibit 14 in the Department's report for 1903) was advanced to third reading in the Assembly and then recommitted; it required the Commissioner of Labor to label all tenement manufactures "tenement made." A third bill (A. Nos. 1227, 1684, reprinted as exhibit 3 in the Appendix,) went even further and actually prohibited the manufacture of enumerated articles in tenements.

The tenement-house law itself was amended by chapters 346 and 739, in respect of fire-proofing and fire-escapes. These acts, while important to the working classes of New York City, are of a rather technical nature and are not reprinted. On the other hand, the unanimous decision in which the Court of Appeals on November 15 affirmed the constitutionality of the tenement-house act itself is reprinted in its entirety (*Tenement House Department of the City of New York v. Moeschen*, 179 N. Y. 325, affirming 89 App. Div. 526 and 90 App. Div. 603; see Appendix II.)

## ENCLOSURE OF STREET CAR PLATFORMS.

It will be remembered that the Legislature in 1903 enacted two laws for the protection of street-car motormen against the rigors of winter. One act covered the street railways of the State except those in Manhattan and Brooklyn boroughs of New York City; the other, and more thoroughgoing act, the counties of Albany and Rensselaer. In 1904 several bills were introduced to extend the provisions of those acts to other counties. None of the bills passed.\*

## SECURITY OF LIFE.

None of the numerous bills introduced for the purpose of protecting the life and limb of working people was enacted into law. The more important measures are reprinted in Appendix III. Among them may be mentioned the bill (exhibit 4) requiring builders in New York City and Buffalo to deposit bonds in the sum of \$2,000 before erecting scaffolds or staging twenty feet above the ground as a guarantee for any judgment obtained against them by injured workmen on the ground of negligence. Another bill (exhibit 5) was designed to protect the lives of employees and patrons of department stores from fire by requiring fire-proof stairways, etc. A third bill (exhibit 6) required railroad companies to have locomotive boilers inspected at least once every three months, and file certificate of inspection with the State Railroad Commission. Several bills assumed to safeguard the lives of railway employees by requiring larger crews; among them being Assembly bill 1639 (Introd. No. 1063, identical with bill appearing as exhibit 18 in the 1903 Report), which requires a full crew (six men) on freight trains, and bills requiring an assistant conductor on street cars (see exhibit 7) or an extra motorman on the New York City elevated railway cars. (Sen. bill 135 and Assembly bill 1130). The bill requiring safely clutches on elevators in factories and stores, which was last year vetoed by the Governor (see exhibit 15 in the Report of 1903) was re-introduced and advanced to third reading in the Assembly and then laid aside. Another bill of 1903 that was re-introduced in

\* The following is a record of the several bills:

House.	Int. No.	Print. No.	Introducer.	Territory covered.	Disposition of bill.
Assembly.....	124	124	Prince.....	New York City.....	Com. on Railroads (As'y).
Assembly.....	503	555	Thonet.....	Kings & Queens....	Com. on Railroads (As'y).
Assembly.....	505	557	Zettler.....	Kings & Queens....	Com. on Railroads (As'y).
Assembly.....	993	1231	Wainwright...	Westchester.....	Com. on Railroads (As'y).
Senate.....	556	653	Wagner.....	Kings & Queens....	Com. on Railroads (As'y).
Senate.....	388	438	Keenan.....	Queens & Nassau...	Com. of Whole (Sen.).

1904 (see exhibit 8) provided for the inspection of elevators in New York City, and more particularly for the examination and licensing of operators of elevators.

The licensing of persons engaged in hazardous occupations is frequently resorted to by lawgivers as a means of protecting life from the carelessness or ignorance of inexperienced or incompetent persons. The operation of stationary engines is patently such an occupation, but licensing requirements have not as yet extended beyond a few of the large cities. Although bills have been framed, the persons most nearly concerned have failed to agree upon any one measure. Appendix III contains the text of three such bills—exhibit 10 covering both engineers and firemen in all the cities of the State except New York, the charter of which contains special provisions on this point. Exhibit 11 reprints the bill for the general licensing of stationary engineers, while exhibit 12 reproduces the bill amending the firemen's licensing law in New York City. The bill providing for the licensing of stationary engineers and firemen in Utica passed the Senate and reached the order of second reading in the Assembly (S. 412 and 795, identical with A. 664 and 784, not reprinted here).

Certain amendments were proposed to the barber licensing law, particularly with regard to the examiner's fees, but the bill did not come out of committee (exhibit 13, Appendix III).

The barbers' licensing law would probably be sustained in the courts as a health measure; but the horseshoers' licensing law\* is somewhat different in character, and in a unanimous decision handed down in July has been declared unconstitutional by the Appellate Division, First Department. (*People v. Beattie*, 96 App. Div. 383, reprinted in Appendix II). The court decided that the regulation of horseshoeing had no tendency to promote the health, comfort, safety and welfare of society in any degree that would justify the Legislature in its exercise of the police power to impose special requirements or restraints upon the pursuit of a common and lawful occupation.

#### EMPLOYERS' LIABILITY.

The only bill introduced in 1904 to amend the employers' liability act of 1902 was that reprinted as exhibit 14 in Appendix

\* Sections 180-184 of the Labor Law and § 384m of the Penal Code. The law was originally enacted in 1896 (chap. 271), and after amendment (chap. 148 of 1897) was incorporated in the Labor Law (chap. 415 of 1897) as Article XII, the penalty at the same time being included in the Penal Code. The article in question was renumbered XIII by chapter 151 of the laws of 1903, which substituted a new article on the employment of children in street trades. Until 1899 the horseshoers' law applied only to cities of the first and second classes (50,000 population and upwards), but in that year (chap. 558) it was extended to all other cities, no change however being made in the corresponding section of the Penal Code.

III. It aimed to make railroad companies definitely responsible for injuries sustained by employees as a result of the negligence of a fellow-employee in charge of a train, engine, switch or signal. Many believe, however, that the act already covers such negligence, and the tendency of the decisions thus far rendered by the courts seem to bear out that interpretation. These decisions have been regularly reported in the quarterly Bulletin of the Department of Labor, to which reference may here be made. Two cases have thus far been carried to the Court of Appeals, and in the second of these (*McHugh v. Manhattan Ry. Co.*, 179 N. Y. 383, summarized in Appendix II) the court distinctly stated that the statute made the company liable to its employees for the negligence of the train despatcher and the clerk acting as a starter of trains.

The first case decided by the Court of Appeals involved an interpretation of the scope of the act. The statute requires that due notice shall be given to the employer as a condition precedent to the maintenance of an action for damages, and the question arose as to whether this requirement applied to all negligence suits begun by employees or only such as alleged a cause specified in the statute. Contradictory decisions had been rendered in the Appellate Division, that in the First Department having held unanimously (in *Gmaehle v. Rosenberg*, 83 App. Div. 339, quoted in *Labor Bulletin*, September, 1903, page 314) that the liability law was "a general act applicable to all actions brought whether under the common law for negligence or for violation of any statute existing when the act was passed," whereas the Appellate Court of the Second Department unanimously maintained the opposite interpretation, that the act, while giving a new cause of action, had left the common law in force (*Rosin v. Lidgerwood Mfg. Co.*, 89 App. Div. 245, quoted in the *Bulletin*, March, 1904, p. 57). An appeal having been taken, by permission, in the former case, the Court of Appeals on March 29 rendered a final decision in favor of the latter contention,—that the act of 1902 extended but did not supersede the existing rules. The opinion (written by Judge Cullen; concurred in by Judges Parker, Haight, Martin and Werner; dissented from by Judge Gray; Judge O'Brien absent) is not a lengthy one and is accordingly reprinted substantially entire in Appendix II.

An important case was decided in the Appellate Division of the Supreme Court, Fourth Department, at the November term, which involved the question of the validity of contracts under

which employees waive their right to sue the employer for damages in case of personal injury arising out of negligence. There are few practices that have produced more discontent among workingmen than the not infrequent requirement of large corporations that wage earners shall sign such a release as a condition of obtaining employment, especially when the release extends to all causes of negligence whatsoever, including those of the grossest kind. An employee of the American Express Company in the Syracuse office had executed such a release whereby he agreed "in consideration of my employment by said American Express Company, that I will assume all risk of accident or injury which I shall meet with or sustain in the course of such employment, whether occasioned by the negligence of said company or any of its members, officers, agents or employees or otherwise; and that in case I shall at any time suffer any such injury I will at once execute and deliver to said company a good and sufficient release \* \* \* of all claims, demands and causes of action arising out of such injury, or connected with or resulting therefrom." Upon being injured through the giving way of an elevator, this employee brought suit and recovered damages in the municipal court. The judgment was set aside, but on re-trial he won again and was sustained by the Appellate Division, which held, with only one dissenting voice, that the release was contrary to public policy and therefore void. Justice Hiscock, in his opinion, declared that "the common law liability which imposes upon the employer the exercise of reasonable care and diligence for the protection of those working under him is not too onerous and I believe that a practice which swept it away would be a matter of public concern and detriment." The company has appealed from the decision and the case is now on the calendar of the Court of Appeals (Johnston v. Fargo, as President of the American Express Company, 98 App. Div. 436, summarized in the Department Bulletin No. 24, page 49).

#### LEGAL RIGHTS AND PRIVILEGES OF WORKINGMEN.

The bill providing that railroad companies pay wages to employees twice a month instead of once a month (see exhibit 24 of the 1903 report) did not progress beyond the committee stage and the same is to be said of the bill requiring employers to pay interest on cash securities deposited with them by employees (see exhibit 25 of the 1903 report) and a Senate bill (594-701) amending the mechanics' lien law.

More serious evils are those struck at by the various bills dealing with the assignment of wages. The exactions of that variety of money lenders commonly known as "loan sharks" are often intolerable, and lawgivers have long endeavored to find a remedy for such usurious loans, which have not been prevented by the ordinary laws against usury. Three bills were presented at the session of 1904 to curb this form of extortion by regulating the assignment of wages. The McManus bill which provided for the licensing of all persons in New York City and Buffalo engaged in the business of advancing money on account of salary or wages due or to be earned (exhibit 16, Appendix III) passed the Assembly. The Burke bill requiring money lenders to file a statement of such loans with the county clerk (exhibit 15, Appendix III), passed both houses but was vetoed by the Governor, who signed instead the Bostwick bill providing that money lenders shall at once file a copy of the agreement with the wage earner's employer in order to make the loan legally collectible upon the assignment of wages (see chapter 77, Appendix I).

The Legislature in 1903 enacted a garnishment law which permitted dealers in the necessities of life to attach wages for the debt, up to a certain limit, provided the debtor was in receipt of an income of at least \$20 a week. The original exemption applied only to incomes under \$12, and this year an amending bill was introduced (printed in Appendix III as exhibit 17), restoring the original figure. The bill was tabled on its third reading in the Assembly. A second bill carrying minor amendments (A. 276-286) was not reported out of committee. In the interpretation of the garnishment law by the courts the most important decision thus far rendered has been a decision handed down in October in the Appellate Division, Second Department, and declaring that a complaint in an action under the law is defective if it fails to allege that no prior similar execution against the judgment debtor is outstanding (*Rosenstock v. City of New York*, 97 App. Div. 337, reprinted in part in Appendix II).

The only additional legislation under this heading that requires mention is the act (chap. 447, see Appendix I) prohibiting the holding of the State Fair on Labor Day.

#### PUBLIC EMPLOYMENT.

The usual multitude of bills regulating the conditions of labor done by or on behalf of the government appeared in 1904. One of the most prominent was the Mortimer bill providing for the

subdivision of contracts for public buildings involving separate awards for construction, plumbing, heating, electrical work and decorating (exhibit 18, Appendix III), with the idea of encouraging workmen in the individual trades to bid for work. The bill (A. 710-834) prohibiting the subletting of contracts was not reported from committee nor was the bill (A. 711-835, reprinted in last year's report as exhibit 32), requiring inspectors of public contract work to be practical mechanics, nor the bill (A. 468-509, reprinted as exhibit 31 in last year's report), requiring repairing of city streets to be done by day's work and by citizens and residents. The constitutionality of such a requirement is open to question, as is also its consonance with treaties between the United States and foreign countries guaranteeing the rights of citizens to immigrants from such countries. In fact, the attempt of the Bureau of Factory Inspection to enforce the alien labor clause of the Labor Law against contractors on public buildings in New York City called forth objections on that score, and they were sustained in the opinion of the corporation counsel of New York City, whose advice was sought by Comptroller Grout (see Appendix II, No. 8).

The eight-hour clause of the Labor Law has likewise been the subject of legal contention ever since its revision in 1899, and the Court of Appeals decision of last year (*People v. Orange County Road Construction Co.*, 175 N. Y., 84), annulling that section of the Penal Code which made it a crime for a municipal contractor to require employees to work more than eight hours a day threw the law itself into doubt. Several district attorneys when called upon to take action against contractors declared their opinion of the statute's unconstitutionality and on August 9 Justice White, sitting in Special Term of the Supreme Court in Brooklyn, in an interlocutory judgment declared the law to be unconstitutional. Corporation Counsel Delaney, of New York City, in the same month prepared an opinion for the borough president of Manhattan (see Appendix II), in which he reached a conclusion in favor of the law, principally on the precedent of the United States Supreme Court decision in the Kansas case (reprinted in last year's report). The question was finally disposed of, so far as municipal contracts are concerned, by the Court of Appeals decision of November 29, in the case of *People ex rel. Cossey v. Grout* (179 N. Y. 417, reprinted in Appendix II), in which with one dissenting vote the statute was declared to be contrary to the constitution. The grounds on which the conclu-

sion was reached, however, were so various that no inference can safely be drawn respecting the application of the law to other than municipal contracts. Three judges, a minority of the court, held the statute to be unconstitutional on the broad ground that it deprived the contractor of his property without due process of law, inasmuch as it provided for the forfeiture of the contract (which is property) in the event that the contractor failed to carry out the eight-hour stipulation. Two of the judges, however, took the position that the statute was unconstitutional because it invaded the sphere of municipal home rule, which is guaranteed by the constitution of this State. One judge voted in favor of the law as a valid exercise of the police power and the seventh judge was absent.

While the eight-hour and prevailing-rate-of-wages requirements can no longer be enforced on municipal work done by contract, where they are most needed, they apply to all work directly done by the public authorities. That was definitely determined in the case of *Ryan v. City of New York* (177 N. Y. 271, reprinted in Appendix II). The distinction thus drawn by the courts will doubtless act as an encouragement to the expansion of municipal functions, unless the trade unions in the interest of manual labor succeed in introducing "fair" conditions in contract work. The movement in that direction is already strong, and the bills of the present session include the draft of a measure (exhibit 25, Appendix III), that provides for the retention in the municipal service of the present employees of the Staten Island ferry, when its operation is taken over by the City of New York next year.\* There was also a bill providing for the establishment of a municipal printing plant in New York City (A. 488-562, referred to Committee on the Affairs of Cities).

In his annual message to the Legislature the Governor "favored such changes as are for the interest of the State in protecting it against such excessive salaries as have been the outgrowth more of favoritism than of necessity." This recommendation did not, however, apply to the grade of employees corresponding to wage earners in private employments, whose compensation was increased as the result of several enactments signed by the Governor. Among these was chapter 714 (see Appendix I), contain-

\* In this connection mention may be made of a bill (A 1036-1327) to amend the eight hour law by excepting from its provisions public work that could be performed by other than New York contractors. It was said in its behalf that New York ship builders could not compete with outsiders in the construction of the new ferry boats ordered by the city, since their expense would be enhanced by the necessity of observing the eight-hour requirements. Friends of the statute quickly pointed out that the eight-hour requirement applied in every case, whether the work was performed within or outside the limits of the state.



ing a complete schedule of salaries and wages of employees of State hospitals for the insane in place of the former classification drawn up by the State Commission in Lunacy. The statute was favored by the representatives of the working people as it advanced the scale of wages from 20 to 25 per cent. Chapter 709 (see Appendix I), revises the sections of the prison law that fix the limits of the compensation of employees. The position of keeper is abolished and the number of guards increased, and in place of the two rates of \$780 and \$900 per annum for guards and keepers, respectively, the guards are to be classified in four grades, ranging, according to terms of service, from \$660 to \$900. There were also bills introduced relative to the compensation of guards in prisons for women and of employees in the Elmira Reformatory.\*

Chapter 753 (see Appendix I), amended the Military Code, which fixes the wages of laborers employed in State armories at a maximum of two dollars a day, so as to permit three dollars to be paid in cities of the first class (New York and Buffalo). Worthy of note is a decision rendered in November by the Appellate Division of the Supreme Court, in the Fourth Department, holding that laborers in State armories are excepted from the operation of the eight-hour law since they are "persons regularly employed in State institutions."†

#### MUNICIPAL EMPLOYEES.

Bills in favor of firemen, policemen, street cleaners, etc., in cities constitute the mass of projected legislation on public employment. So far as New York City bills are concerned, no important enactment is to be recorded for 1904, the only statute of this kind being chapter 599, which contains a minor alteration of the qualifications of firemen and policemen—providing that a candidate whose name has once been placed on the civil service eligible list may be appointed after he has passed the maximum age for appointment (30 years; statute reprinted in Appendix I).‡

The bill to establish the two platoon system and provide shorter hours of duty for firemen in New York City§ passed the Assembly but did not get on the Senate calendar. Other bills of import-

\* The former (A. 1186-1602) was referred to the committee on State Prisons; the latter (A. 190, identical with Senate No. 164) was advanced to third reading in the Assembly and then laid aside.

† Matter of Burns v. Fox, 98 App. Div. 507, summarized in the Bulletin of the Department of Labor, March, 1905.

‡ Another bill (S. 785-1027) amending in a similar manner section 284 of the charter, relative to policemen only, was disapproved by the Mayor.

§ A. 67-435, substantially identical with the bill printed as exhibit 36 in last year's Report.

ance are reprinted in exhibits 19-24 of Appendix III, most of them providing for the payment of overtime, Sunday and holiday work on the part of mechanics and laborers in the city service, especially in the street cleaning department. The first of these bills, which was of general application, passed the Assembly and died in the Senate committee on cities.

#### SERVICE PENSIONS OR RETIREMENT FUNDS.

An Assembly bill printed in Appendix III as exhibit 26, provides that mechanics and laborers employed in the department of parks, New York City, shall receive compensation as usual for time lost in consequence of injury or disability received in the performance of their duty. The payment of wages during a period of temporary disablement is the first step toward the establishment of service pensions and was naturally taken first in the case of firemen, who are exposed to unusual hazards. Most large cities have thus come to have retirement funds for firemen and policemen. In New York City there are also retirement funds for health department employees and school teachers, and considerable legislation is annually enacted to effect changes in the administration of such funds. Chapters 399, 512, 577, 626, of the Laws of 1904, carry such amendments. There is also manifest a tendency toward extending such favors to other classes of municipal employees. The Legislature in 1904 indeed passed a bill (see exhibit 29, Appendix III), providing for a general retirement fund in New York City, but the mayor vetoed it.

There were also introduced bills to create a pension fund for volunteer firemen in all cities of the State,\* for all teachers of the public schools (exhibit 27, Appendix III), and for Civil War veterans in the civil service of the State or municipalities (exhibit 28). The two latter bills reached the committee of the whole in the Senate. An Assembly bill to authorize railway companies to establish pension funds for employees reached the same stage.†

#### INDUSTRIAL EDUCATION.

The only legislation under this subject in 1904 is such as relates to reform schools. The Legislature of 1903 authorized the removal of the State Industrial School, at Rochester, to a rural site twelve miles out of the city, where agriculture can be profitably carried on. Provision is also being made for the teach-

\* A. 735-870, similar to the bill reprinted as exhibit 34 in last years' report.

† A. 998-1635, introduced by Mr. Bedell.

ing in a large industrial building of the trades most needed in the institution—carpentry, bricklaying, painting, blacksmithing, tailoring, printing, shoemaking, etc. The carrying out of these educational features will be much assisted by chapter 167 of the Laws of 1904, which provides that after June 1 only *male* children *under the age of sixteen years* shall be committed to the school. Female delinquents may no longer be committed either to the school or to the house of refuge established on Randall's Island, New York City, by the Society for the Reformation of Juvenile Delinquents (chapters 167, 221 and 388); those under sixteen years are to be committed to the New York State Training School for Girls which is established at Hudson by chapter 453. The creation of this school did not necessitate the erection of new buildings since it was effected by the transformation of the House of Refuge for Women into a reformatory for girls, the House of Correction for Women at Albion (hereafter to be designated as the Western House of Refuge for Women) and State Reformatory for Women at Bedford, Westchester county, having sufficient accommodations for delinquent women over sixteen years of age. Thirdly, the Legislature established, for eastern New York, the New York State Training School for Boys, which is to be located on a rural site and supersede the present house of refuge on Randall's Island. Chapter 718, which establishes the school and constitutes a commission for the selection of lands, preparation of plans, etc., is reprinted in Appendix I. In the fourth place, the Legislature also appropriated\* \$35,000 for the construction of a trade school at the Eastern New York Reformatory at Napanoch; but this was vetoed by the Governor.

#### COMBINATIONS OF EMPLOYERS AND EMPLOYEES.

Chapter 523 amends the section of the Labor Law relating to the illegal use of union labels so as to increase the penalty for counterfeiting or imitating a registered label; such illegal use being made a misdemeanor punishable by imprisonment as well as by a larger fine than formerly.

Chapter 659 makes it a misdemeanor for any person to bribe or attempt to bribe a duly appointed representative of a labor organization. Every State has probably made it a criminal offense for a public officer to receive any pecuniary consideration that would influence his official conduct and has likewise made it a crime for any person to offer to a public officer a consideration of value with

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\* Assembly bill No. 364-390 introduced by Mr. Cunningham.

intent to influence his official conduct; but New York has adopted the view that the representatives of labor organizations hold positions of such responsibility toward the working people and the public in general that their acts shall not be determined by motives of personal gain under the influence of a bribe. The act provides that "a person who gives or offers to give any money or other things of value to any duly appointed representative of a labor organization with intent to influence him in respect to any of his acts, decisions or other duties as such representative, or to induce him to prevent or cause a strike by the employees of any person or corporation, is guilty of a misdemeanor."

There are then added the same words as are contained in the so-called witness bill of Senator Dowling, that no person shall be excused from giving testimony upon the ground that the testimony may tend to convict him of a crime or subject him to a penalty, but stipulating that no person shall be prosecuted or subjected to any penalty on account of anything concerning which he may so testify, and that no testimony so given shall be received against him upon any criminal investigation or proceeding.

District Attorney Jerome, of New York City, in advocating the bill before the Assembly Codes Committee, declared that the evil it seeks to end is of sufficient magnitude to require regulation at the hands of the criminal law. He added that—

"The moral obliquity of a labor representative selling out the interest of his organization or of a person bribing him to do so is as great and the same in kind as where it is sought to corrupt a public officer. The iniquity of such proceedings has been recognized in civil proceedings. Some years ago a celebrated case went to the Court of Appeals, in which a carriage-maker sued to recover for repairs done to the coaches of a gentleman in New York City. Upon the trial it appeared that the defendant was resisting the payment of the claim because the carriage-maker had subsidized his coachman. The defendant contended that it was immoral and against public policy that he should be compelled to pay for repairs which may have been unnecessary and which, at any rate, had been made by that particular plaintiff because the opportunity to do so was afforded as a consequence of seeing the defendant's servant, who was, as to the defendant, in a confidential and representative relation. The Court of Appeals held this defense good and that such acts on the part of the plaintiff were immoral and against public policy. Undoubtedly the civil courts would hold, if it could get before them in any form of litigation, that the bribing of a labor delegate was also an act that was immoral and against public policy, because of his representative character, but mere declarations of this character on the part of courts in civil litigation are not, in my opinion sufficient to check the grave abuses that have existed through the bribery by employers of the representatives of organized labor.

"In the great strike in the building trades in New York, it was currently reported that fifteen out of seventeen firms composing the Cabinet Makers' Association contributed a very large sum of money which was used to bribe certain delegates in the United Board of Building Trades, of which the Amalgamated Painters were a member, to admit the Brotherhood of Painters, which at that time was not represented in the board. The purpose of this action was to strengthen the Brotherhood at the expense of the Amalgamated Painters and enable the employers to break the strike that was then on, by employing Brotherhood painters, whom they before had been unable to employ without causing a sympathetic strike—inasmuch as the Brotherhood was not represented in the United Board of Building Trades.

"On its face it would seem just that the Prince bill should apply alike to the labor representative and the employer; the bill as it now stands simply makes it a crime for any one to bribe or attempt to bribe a representative of organized labor, but it does not punish the representative who may receive the bribe. It is thought, however, that this situation is sufficiently covered, and the employer sufficiently protected from being 'held up' by the section of the Penal Code in regard to extortion. In addition, it would be more easy to detect the wrongdoing of the employer of labor and to punish him for it if the person bribed were not also made guilty of a criminal offense, as under these circumstances the person bribed would be more ready to testify than he otherwise would.

"Everyone familiar with the conduct of business at the present time must have had brought to his attention the great extent to which this bribery of persons acting as agents and in a representative capacity goes on, not alone in the labor world, but in all classes of business. That the purchasing agents for various large concerns receive presents and considerable sums of money before business can be satisfactorily done with such concerns is a matter of everyday observation, and it may well be that later on, should the Prince bill become a law, it will be found desirable to extend its principle not only to matters affecting organized labor, but to all cases in which people act as agents for others or in a representative capacity."

The legality or illegality of combinations of workmen or employers has been discussed in numerous judicial decisions which have already been reported in the Department's quarterly Bulletin. The Court of Appeals in February, 1904, held that the action of the American Publishers' Association in agreeing with the American Booksellers' Association to sell their books only to those dealers who adhered to the latter's rules and scale of prices was illegal and the court gave relief to a retail dealer who was thus boycotted for his refusal to keep up the full list prices on copyrighted books (*Straus v. American Publishers' Association*, 177 N. Y. 473.)

Another important case decided by the Court of Appeals in 1904 was the suit of a Buffalo workman named Wunch against the president of the Typographical Union for \$5,000 damages which he claimed he sustained from loss of employment following

the union's refusal, under threat of strike, to work in the same printing office with him. At the first trial in 1900 Wunch recovered \$650 damages, but while the case was still in the superior courts on appeal, the Court of Appeals rendered the authoritative decision in the well-known case of *National Protective Association v. Cumming* (170 N. Y. 315, summarized in the report of the Commissioner of Labor for 1902, pages 38-47), establishing the legal right of trade unionists to strike against the employment of non-unionists. On the authority of this decision Wunch's action was dismissed by the Supreme Court when it came up for re-trial and the dismissal affirmed by each of the higher courts. No opinion was handed down by the Court of Appeals (179 N. Y. Mem. 33).

While the legal right of union workmen to refuse to work with non-unionists and to enforce their refusal by engaging in a strike against the employment of non-unionists has thus been established in this State, the legality of formal contracts providing for the exclusive employment of union men is still in question. In the month of December, 1904, the Appellate Division, Second Department, considered two of these exclusive or closed shop agreements one of which, by a majority vote it held illegal, and the other of which it unanimously held to be legal. The circumstances of the two cases were not of course precisely the same, but it is difficult to make a clear distinction and the question of the closed shop will remain in a state of uncertainty until a test case reaches the Court of Appeals.

No additional legislation on the subject of industrial disputes was enacted in 1904, although the two familiar bills on compulsory arbitration and injunctions (see exhibits 30 and 31 in Appendix III) were re-introduced.



#### STATE INTERFERENCE.

Bills providing for the appointment of volunteer factory inspectors and of four inspectors who should be practical metal polishers similar to those of 1903 (see exhibits 40 and 41 of last year's report), were introduced but remained in committee.

An act (chapter 326, printed in Appendix I) was passed, to protect the State hospitals for the insane from being overwhelmed with the flood of European immigration. It provides for an examination of the mental condition of immigrants landing at the port of New York by a board of alienists who are to

arrange for the deportation of insane, idiotic, imbecile and epileptic immigrants under the provisions of the federal laws.

After the new "sweat-shop" law, the most important act of 1904 affecting the interests of working people was chapter 432, "to regulate the keeping of employment agencies in cities of the first and second classes" (places of 50,000 population or upwards). The necessity of some measure of public control over such agencies is universally recognized and in most large cities they are licensed under municipal ordinances; in this State only the agencies in New York and Brooklyn have been subject to statute law (chapter 410 of the Laws of 1888, and chapter 185 of the Laws of 1891, respectively). Notwithstanding the existence of these regulations grave abuses have always existed in the conduct of some of the metropolitan intelligence offices, owing in part to the defects of the law and in part to inadequate supervision. Ever since the establishment of the Free Public Employment Bureau in New York City, in 1896, its superintendent has devoted portions of his annual reports to an exposition of the frauds perpetrated by some of the private agencies, and under the preceding municipal administration the mayor's secretary, who had charge of the licensing of intelligence offices, made an investigation in which he unearthed immorality as well as fraud in the business. Various organizations of philanthropic women then became interested and set on foot private investigations of a comprehensive nature, which thoroughly exposed the evils in New York and other cities. Women in workhouses, jails and other institutions charged their downfall to proprietors of employment bureaus who had robbed them or sent them in quest of employment to houses of professional vice. The movement in favor of an improved licensing law, which had in previous years led to the introduction of bills and their passage in one branch of the Legislature, now became irresistible and resulted in the creation of a system of public control which may in many respects be regarded as a model.

The act defines an employment agency as the business of procuring work or employment for persons seeking employment, where a fee is charged, the sole exception being teachers' agencies. No person is to engage in the business without procuring a license and paying an annual fee of \$25—an increase of \$12.50 in New York City—and furnishing a bond of \$1,000, with approved sureties. The bond requirement is designed to put an end to the most flagrant abuse connected with the name of employment agencies, the practice of opening an office duly licensed, advertising for workmen to take fictitious "jobs," collecting fees from hundreds

to whom positions are promised and then decamping with the proceeds.

No agency may be located in a saloon. The prohibition is designed to stop a common practice of saloon keepers of displaying signs and advertising for laborers in large numbers, in order to keep men hanging about the saloon for their patronage. It will be remembered that the grain shovelers' strike in Buffalo five years ago was largely due to a revolt of the men against the system whereby the saloon keepers, who acted as employment agents favored the workmen who spent the most for drink (Bulletin of the Department of Labor, June, 1899). Keepers of lodging houses are permitted to maintain employment offices but only separate and apart from the lodging apartments, and they must be specially designated in the license. No employment office may be located in rooms used for living purposes, in lodging houses or elsewhere.

The law prescribes as the maximum fees that employment agencies may collect from applicants for employment ten per cent. of the first month's wages, in the case of servants, laborers and unskilled workers generally, and five per cent. of the year's salary or 100 per cent. of the first week's wages in all other cases. If no situation is secured for an applicant he may demand the return of the entire fee with the exception of fifty cents, which the agency may retain, if it in good faith endeavored to find employment for the applicant. "Rake-offs" are to be stopped by a clause forbidding agents to divide fees with contractors or other employers.

Receipts for fees must, as heretofore, contain the section of the law pertaining to fees, and additional protection to workers is assured in the requirement that in sending an applicant to employers the agent must give him the employer's name and address, written on a card, containing the name and address of the agency. When a workman is sent outside the city, the agent must file with the mayor and also furnish to the applicant a copy of the contract, in a language which he understands, stating the name and address of employer and of employee, nature of the work to be performed, hours of labor, wages offered, terms of transportation, etc. The need of this clause was demonstrated by the investigation of the condition of Italian workmen in West Virginia (see report of the Department for 1903, Vol. I, Part III).

The very worst evil of the private agency system is aimed at in the provision of section 7, that no licensed person shall send or cause to be sent any female help as servants or inmates to any



questionable place or to any house or place of amusement kept for immoral purposes, the character of which such licensee could have ascertained upon reasonable inquiry. Employers, on the other hand, will be protected by the requirement that agencies must investigate at least one of the references furnished by applicants for work in a private family or employment in a fiduciary capacity.

The provisions thus far stated apply equally to cities of the first class (New York and Buffalo), and those of the second class (Rochester, Syracuse, Albany, Troy); but in the matter of enforcement a distinction is drawn. In first-class cities the enforcement of the act is to be entrusted to a commissioner of licenses, to be appointed by the mayor. He in turn will appoint a sufficient number of inspectors to make at least bimonthly visits to each agency except "agencies exclusively for procuring executive, clerical and technical positions for men only, which shall be inspected on complaint." In cities of the second class the duties of a commissioner of licenses may be performed by the mayor or some person appointed by him. The first step toward efficient supervision is provided in the requirement that every employment office must keep separate registers of applicants for employment and applicants for help, which must be open during office hours to inspection by the mayor. False entries in the register are prohibited.

APPENDIX I.

STATUTES OF 1904 AFFECTING THE INTERESTS OF LABOR.

ARRANGED IN THE ORDER OF ENACTMENT.

CHAPTER 77.

**AN ACT** to require lenders of money on salaries of employees to file with employers a copy of agreement or assignment under which claim is made.

Became a law March 18, 1904, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Any person or persons, firm, corporation or company, who shall after the passage of this act make to any employee an advance of money, or loan, on account of salary or wages due or to be earned in the future by such individual upon an assignment or note covering such loans or advances, shall not acquire any right to collect or attach the same while in the possession or control of the employer, unless within a period of three days after the execution of such assignment or notes and the making of such loan or loans, the party making such loan and taking such assignment shall have filed with the employer or employers of the individual so assigning his present or prospective salary or wages, a duly authenticated copy of such agreement or assignment or notes under which the claim is made.

§ 2. No action shall be maintained in any of the courts of this state, brought by the holder of any such contract, assignment or notes, given by an employee for moneys loaned on account of salary or wages, in which it is sought to charge in any manner the employer or employers, unless it shall appear to the satisfaction of the court that a copy of such agreement, assignment or notes, together with a notice of lien, was duly filed with the employer or employers of the person making such agreement, assignment or notes, by the person or persons, corporation or company making said loan within three days after the said loan was made and the said agreement, assignment or notes were given.

3. This act shall take effect immediately.

CHAPTER 291.

**AN ACT** to amend the labor law, in relation to the maintenance of lights in the hallways of factories.

Became a law April 13, 1904, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section eighty-one of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to

labor, constituting chapter thirty-two of the general laws," as amended by chapter one hundred and ninety-two of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 81. Protection of employees operating machinery.—The owner or person in charge of a factory where machinery is used, shall provide, in the discretion of the commissioner of labor, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. All vats, pans, saws, planers, cogs, gearing, belting, shafting, set-screws and machinery, of every description, shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to machinery, vats or pans, while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced. Exhaust fans of sufficient power shall be provided for the purpose of carrying off dust from emery wheels, grind stones and other machinery creating dust. If a machine or any part thereof is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the commissioner of labor and a notice to that effect shall be attached thereto. Such notice shall not be removed until the machine is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used. When in the opinion of the commissioner of labor it is necessary, the workrooms, halls and stairs leading to the workrooms shall be properly lighted, and in cities of the first class, if deemed necessary by the commissioner of labor, a proper light shall be kept burning by the owner or lessee in the public hallways near the stairs upon the entrance floor and upon the other floors on every work day in the year, from the time when the building is opened for use in the morning until the time it is closed in the evening, except at times when the influx of natural light shall make artificial light unnecessary. Such lights to be independent of the motive power of such factory. No male person under eighteen years or woman under twenty-one years of age shall be permitted or directed to clean machinery while in motion. Children under sixteen years of age shall not be permitted to operate or assist in operating dangerous machines of any kind.

§ 2. This act shall take effect immediately.

#### CHAPTER 326.

**AN ACT** to amend the insanity law, providing for the examination of immigrants at the port of New York to ascertain their mental condition.

Became a law April 13, 1904, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Article one of chapter five hundred and forty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the insane, constituting chapter twenty-eight of the general laws," is hereby amended by adding at the end thereof a new section to be known as section eighteen and to read as follows:

§ 18. Board of alienists for examination of insane, idiotic, imbecile and epileptic immigrants; powers and duties.—A board of alienists for the examination of insane, idiotic, imbecile and epileptic immigrants is hereby established. Such board shall consist of a chief examiner and two assistant examiners, to be appointed by the commission in lunacy. The chief examiner shall be a reputable physician, a graduate of an incorporated medical college, of at least ten years actual experience in the practice of his profession, and of at least five years experience in the care and treatment of the committed insane. The two assistant examiners shall be reputable physicians, graduates of an incorporated medical college, of at least three years' actual experience in the practice of their profession, and of at least one year's experience in the care and treatment of the committed insane. The chief examiner shall receive an annual salary of five thousand dollars, and each assistant shall receive an annual salary of three thousand dollars, to be paid in the same manner as the salaries of the assistants and clerks of the commission in lunacy. Each of such examiners shall devote his entire time to the performance of the duties of the board and while engaged therein shall reside at the port of New York. Arrangements shall be made by the commission in lunacy for the proper accommodation of such board either with the board of commissioners of quarantine at the port of New York or with the proper authorities of the United States having control of the inspection and examination of immigrants at such port. Such board shall inspect and examine all immigrants coming into this country at the port of New York for the purpose of ascertaining whether any of them be insane, idiotic, imbecile or epileptic. The board shall notify the proper authorities of the United States having control of the enforcement of the immigration laws at such port, of such immigrants as are found to be insane, idiotic, imbecile or epileptic, and shall arrange for their deportation in accordance with the provisions of such laws. The duties hereby imposed upon such board shall be performed under the supervision of the commission in lunacy, and in accordance with rules adopted by it. The commission may impose such other duties on such board as it may deem necessary and proper for carrying out the general purposes and intent of this section. The commission may employ such other persons as they deem necessary for the purpose of carrying into effect the provisions of this section. The port wardens of the port of New York shall, when requested by the commission or by any member of such board of alienists, assist in arranging for the deportation of such insane, idiotic, imbecile or epileptic immigrants, and shall perform such duties in respect to the enforcement of this section as may be reasonably required of them by the commission or any member of such board.

§ 2. This act shall take effect immediately.

#### CHAPTER 424.

### AN ACT to provide for the compulsory education of Indian children on the Indian reservations.

Became a law April 27, 1904, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Short title.—This chapter shall be known as the compulsory education law for the Indian reservations.

\* \* \* \* \*

§ 3. Required attendance upon instruction.—Every Indian child between six and sixteen years of age, in proper physical and mental condition to attend school, shall regularly attend upon instruction at a school in which at least the common school branches of reading, spelling, writing, arithmetic, English grammar and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at such school as follows: Every Indian child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service, and every such child between six and fourteen years of age, shall so attend upon instruction as many days annually during the period between the first days of September and the following July as a public school of the community or district of the reservation, in which such child resides, shall be in session during the same period. If any such child shall so attend upon instruction elsewhere than at the public school, such instruction shall be at least equivalent to the instruction given to Indian children of like age at a school of the community or district in which such child shall reside; etc. \* \* \* \*

§ 5. Persons employing Indian children unlawfully to be fined.—It shall be unlawful for any person, firm, association or corporation to employ any Indian child residing on any Indian reservation between six and fourteen years of age, in any business or service whatever, during any part of the term during which the school in the community or district in which such child resides is in session, or to employ any Indian child residing on any reservation between fourteen and sixteen years of age, who does not, at the time of such employment present a consent in writing signed by the superintendent of the Indian schools on the reservation on which such child resides to the effect that such child may be employed, and specifying the nature of the service and the duration of such service or employment; and any person, firm, association or corporation who shall employ any Indian child contrary to the provisions of this section shall for each offense forfeit and pay to the superintendent of Indian schools of the reservation on which such child resides, a penalty of twenty-five dollars, the same, when paid, to be used for the support and maintenance of the schools on said reservation. \* \* \* \*

§ 12. Chapter one hundred and eighty-three of the laws of nineteen hundred and chapter one hundred and eighty-eight of the laws of nineteen hundred and one are hereby repealed.

§ 13. This act shall take effect May first, nineteen hundred and four.

#### CHAPTER 432.

**AN ACT to regulate the keeping of employment agencies in cities of the first and second class where fees are charged for procuring employment or situations.**

Became a law April 27, 1904, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Definitions.—The term person when used in this act, means and includes any individual, company, association, or corporation, or their agents, and the term employment agency means and includes the business

of keeping an intelligence office, employment bureau, or other agency or office for procuring work or employment for persons seeking employment where a fee or privilege is exacted, charged or received directly or indirectly for procuring or assisting to procure employment, work, or a situation of any kind, or for procuring or providing help for any person, whether such fee is collected from the applicant for employment or the applicant for help, excepting agencies for procuring employment for schoolteachers exclusively. The term fee as used in this act means money or a written promise to pay money.

§ 2. License.—No person shall open, keep or carry on any such employment agency in the cities of the first and second class, unless every such person shall procure a license therefor from the mayor of the city in which such person intends to conduct such agency. Any person who shall open or conduct such an employment agency without first procuring said license shall be punishable by a fine not exceeding two hundred and fifty dollars, or, on failure to pay such fine, by imprisonment not exceeding thirty days. Such license shall be granted upon the payment to said mayor of a fee of twenty-five dollars annually for such employment agencies in cities of the first and second class. Every license shall contain the name of the person licensed, a designation of the city, street and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any other than the person to whom it is issued or any place other than that designated in the license unless consent is obtained from the mayor. No such agency shall be located in rooms used for living purposes, where boarders or lodgers are kept, or on premises where intoxicating liquors are sold, excepting cafés and restaurants in office buildings. If said licensed person shall conduct a lodging house for the unemployed, separate and apart from such agency, it shall be so designated in the license. The application for such license shall be filed not less than one month prior to the granting of said license and shall be accompanied by the affidavits of two persons who have known the applicant or the chief officers thereof, if a corporation for five years, stating that the said applicant is a person of good moral character. The license shall run to the first Wednesday of May next ensuing the date thereof and no longer unless sooner revoked by the mayor.

§ 3. Bond.—The mayor of said city shall require such person to file with his application for a license a bond in due form to the people of the said city in the penal sum of one thousand dollars in cities of the first and second class, with two or more sufficient sureties, and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions or requirements of this act. If any person shall be aggrieved by the misconduct of any such licensed person, and shall recover judgment against him therefor, such person may, after the return unsatisfied, either in whole or in part, of any execution issued upon said judgment, maintain an action in his own name upon the bond of said employment agent in any court having jurisdiction of the amount claimed provided such court shall, upon application made for the purpose, grant such leave to prosecute.

§ 4. Register; references.—It shall be the duty of every such licensed person to keep a register, approved by the mayor, in which shall be entered,

in the English language, the date of every application for employment; the name and address of the applicant; the amount of the fee received, and whenever possible, the names and addresses of former employers or persons to whom such applicant is known. Such licensed person shall also enter in a separate register approved by the mayor in the English language, the name and address of every applicant for help, the date of such application, the kind of help requested, the names of the persons sent, with the designation of the one employed, the amount of the fee received and the rate of wages agreed upon. The aforesaid registers of applicants for employment and for help shall be open during office hours to inspection by the mayor. No such licensed person, his agent or employees, shall make any false entry in such registers. It shall be the duty of every licensed person, whenever possible, to communicate orally or in writing with at least one of the persons mentioned as references for every applicant for work in private families, or employed in a fiduciary capacity, and the result of such investigation shall be kept on file in such agency.

§ 5. Fees; receipts.—The fees charged applicants for employment as lumbermen, agricultural hands, coachmen, grooms, hostlers, seamstresses, cooks, waiters, waitresses, scrub-women, laundresses, maids, nurses (except professional) and all domestics and servants, unskilled workers and general laborers, shall not in any case exceed ten per centum of the first month's wages, and for all other applicants for employment, shall not exceed the amount of the first week's wages or salary or five per centum of the first year's salary. In case the applicant shall not accept or obtain help or employment, through such agency, then such licensed person shall on demand, repay the full amount of the said fee, allowing five days' time to determine the fact of the applicant's failure to obtain help or employment; except when it appears that the said licensed person has in good faith, attempted to procure help or employment for said applicant, then he shall be entitled to retain of such fee paid, an amount not exceeding fifty cents. If an employee furnished fails to remain one week in the situation, a new employee shall be furnished or three-fifths of the fee returned, within four days of demand; if the employee is discharged within one week without said applicant's fault another position shall be furnished or three-fifths of the fee returned. Failure of said applicant for help to notify said licensed person that such help has been obtained through means other than said agency shall entitle said licensed person to retain or collect three-fifths of the said fee. It shall be the duty of such licensed person to give to every applicant for employment from whom a fee shall be received a receipt in which shall be stated, the name of said applicant, the date and amount of the fee, and the purpose for which it is paid, and to every applicant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided. Every such receipt shall have printed on the back thereof a copy of this section in the English language and in languages which persons commonly doing business with such office can understand. No such licensed person shall receive or accept any valuable thing or gift as a fee or in lieu thereof and no fee shall be accepted by such licensed person for any other purpose except as herein provided. No such licensed person shall divide fees with contractors or other employers to whom applicants for employment are sent. Every such licensed person shall give

to each applicant for employment a card containing the name and address of such employment agency and the written name and address of the person to whom the applicant is sent for employment. Every such licensed person shall post in a conspicuous place in each room of such agency a plain and legible copy of this act, which shall be printed in languages, which persons commonly doing business with such office can understand.

§ 6. Employment contract.—No such person shall induce or attempt to induce any employee to leave his employment with a view to obtaining other employment through such agency. Whenever such licensed person or any other acting for him, agrees to send one or more persons to work as contract laborers in any one place outside the city in which such agency is located, the said licensed person shall file with the mayor within five days after the contract is made, a statement containing the following items: name and address of the employer, name and address of the employee; nature of the work to be performed, hours of labor; wages offered, designation of the persons employed, and terms of transportation. A duplicate copy of this statement shall be given to the applicant for employment in a language which he is able to understand.

§ 7. Character of employer; fraud.—No such licensed person shall send or cause to be sent any female help as servants or inmates to any questionable place, or place of bad repute, house of illfame, or assignation house, or to any house or place of amusement kept for immoral purposes, the character of which such licensed person could have ascertained upon reasonable inquiry. No such licensed person shall knowingly permit questionable character or procurers to frequent such agency. No such licensed person shall publish or cause to be published any false or fraudulent notice or advertisement; all advertisements of such employment agency by means of cards, circulars, or signs and in newspapers and other publications, and all letter-heads, receipts, and blanks shall contain the name and address of such employment agency and no such licensed person shall give any false information, or make any false promise concerning employment to any applicant who shall register for employment or help.

§ 8. Enforcement.—In cities of the first class the enforcement of this act shall be entrusted to a commissioner to be known as a commissioner of licenses, who shall be appointed by the mayor, and whose salary together with those of the inspectors to be appointed by him shall be fixed by the board of estimate and apportionment. He shall appoint inspectors who shall make at least bimonthly visits to every such agency excepting agencies exclusively for procuring executive, clerical, and technical positions for men only, which shall be inspected on complaint made to said commissioner. Such inspectors shall see that all the provisions of this act are complied with, and shall have no other duties. Complaints against any such licensed person shall be made orally or in writing to the commissioner and notice of such complaints shall be made orally or otherwise as the commissioner may direct to said licensed person and upon such complaint a hearing shall be had before him within three days. Said commissioner shall keep a record of all such complaints and hearings. The said commissioner shall revoke any license for any good cause shown, but reasonable opportunity shall be given said licensed person to defend himself. Whenever for any cause such license is revoked, said commissioner shall not issue another license to said licensed



person or his representative. In cities of the second class the duties of said commissioner may be performed by the mayor, or an officer appointed by him. Any violation of the provisions of this act shall constitute a misdemeanor punishable by a fine of not more than two hundred and fifty dollars or imprisonment for not more than one year, except as provided in section two, and the commissioner shall institute criminal proceedings for its enforcement before any court of competent jurisdiction.

§ 9. **Repealing.**—All acts and parts of acts relating to employment agencies in cities of the first and second class, inconsistent with this act, are hereby repealed, except the provisions of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven known as the labor law.

§ 10. This act shall take effect on May first, nineteen hundred and four.

#### CHAPTER 447.

#### AN ACT to amend the agricultural law relative to the time of holding the state fair.

Became a law April 27, 1904, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section one hundred and forty-two of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three, general laws," as added by chapter three hundred and forty-six, of the laws of nineteen hundred, and as amended by chapter two hundred and twenty-four of the laws of nineteen hundred and one, and as amended by chapter two hundred and sixty-three of the laws of nineteen hundred and two, is hereby amended to read as follows:

§ 142. **State fair.**—It shall be the duty of the said commission to hold a state fair at such times as it may deem proper, *except that said state fair shall not be held on the first Monday in September, known as labor day,\** and between January first and February fifteenth in each calendar year to publish the time of holding said fair in such year. It shall not be lawful for any corporation, association or individual to hold or conduct any trotting or pacing race or races during the week in which the state fair is held, except upon half-mile tracks, and except at the fairs held by agricultural societies which have received moneys from the state, and no corporation, association or individual holding such races during said week shall be entitled to any of the benefits conferred by chapter five hundred and seventy of the laws of eighteen hundred and ninety-five, and any acts amendatory thereof, or by any general or special law. Such commission may make, alter, suspend or repeal needed rules relating to such fair, including the times and duration thereof, the terms and conditions of entries and admissions, exhibits, sale of privileges, payments of premiums, and any other matters which it may deem proper in connection with such fair. It shall furnish to each person who, on the seventeenth day of January, nineteen hundred, was a life member of the state agricultural society, a free admission to the fair grounds during the fair of each year during the life of such member.

§ 2. This act shall take effect January first, nineteen hundred and five.

\* Italicised words are new matter.

**CHAPTER 523.**

**AN ACT to amend the labor law, relative to the illegal use of labels adopted by labor organizations.**

Became a law April 29, 1904, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section sixteen of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter eighty-eight of the laws of nineteen hundred and two, is hereby amended to read as follows:

§ 16. Illegal use of labels, et cetera, a misdemeanor; injunction proceedings.—A person who, (1) shall in any way use or display the label, brand, mark, name or other character, adopted by any such union or association as provided in the preceding section, without the consent or authority of such union or association; or (2) shall counterfeit or imitate any such label, brand, mark, name or other character, or knowingly, sells or disposes or keeps or has in his possession with intent to sell or dispose of, any goods, wares, merchandise or other products of labor, upon which any such counterfeit or imitation is attached, affixed, printed, stamped or impressed, or knowingly sells or disposes of, or keeps or has in his possession with intent to sell, or dispose of any goods, wares, merchandise or other products of labor contained in any box, case, can, or package, to which, or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, is guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment. After filing copies of such device, such union or association may also maintain an action to enjoin the manufacture, use, display or sale of counterfeit or colorable imitations of such device, or of goods bearing the same, or the unauthorized use or display of such device, or of goods bearing the same, and the court may restrain such wrongful manufacture, use, display or sale, and every unauthorized use or display by others of the genuine devices so registered and filed, if such use or display is not authorized by the owner thereof, and may award to the plaintiff such damages resulting from such wrongful manufacture, use, display or sale as may be proved, together with the profits derived therefrom.

§ 2. This act shall take effect immediately.

**CHAPTER 550.**

**AN ACT to amend the labor law in relation to tenement-made articles.**

Became a law May 3, 1904, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section two of article one of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, constituting chapter thirty-

two of the general laws, as amended by chapter one hundred and ninety-one of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 2. **Definitions.**—The term employee, when used in this chapter, means a mechanic, workingman or laborer who works for another for hire. The person, employing any such mechanic, workingman or laborer, whether the owner, proprietor, agent, superintendent, foreman or other subordinate, is designated in this chapter as an employer. The term factory, when used in this chapter, shall be construed to include also any mill, workshop, or other manufacturing or business establishment where one or more persons are employed at labor. The term mercantile establishment, when used in this chapter, means any place where goods, wares or merchandise are offered for sale. The term tenement house, where used in this chapter, means any house or building, or portion thereof, which is rented, leased, let or hired out, to be occupied, or is occupied as the home or residence of three families or more living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways, yards, water closets or privies, or some of them, and for the purposes of this act shall be construed to include any building on the same lot with any dwelling house and which is used for any of the purposes specified in section one hundred of this act. Whenever, in this chapter, authority is conferred upon the commissioner of labor, it shall also be deemed to include his assistant or a deputy acting under his direction.

§ 2. Section one hundred of article seven of said act is hereby amended to read as follows:

§ 100. **Manufacturing, altering, repairing or finishing articles in tenements.**—No tenement house nor any part thereof shall be used for the purpose of manufacturing, altering, repairing or finishing therein, any coats, vests, knee-pants, trousers, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, dresses, waists, waistbands, underwear, neckwear, furs, fur trimmings, fur garments, skirts, shirts, aprons, purses, pocketbooks, slippers, paper boxes, paper bags, feathers, artificial flowers, cigarettes, cigars or umbrellas, without a license therefor as provided in this article. But nothing herein contained shall apply to collars, cuffs, shirts or shirt waists made of cotton or linen fabrics that are subjected to the laundrying process before being offered for sale. Application for such a license shall be made to the commissioner of labor by the owner of such tenement house, or by his duly authorized agent. Such application shall describe the house by street number or otherwise, as the case may be, in such manner as will enable the commissioner of labor easily to find the same; it shall also state the number of apartments in such house; it shall contain the full name and address of the owner of the said house, and shall be in such form as the commissioner of labor may determine. Blank applications shall be prepared and furnished by the commissioner of labor. Upon receipt of such application the commissioner of labor shall consult the records of the local health department or board, or other appropriate local authority charged with the duty of sanitary inspection of such houses; if such records show the presence of any infectious, contagious or communicable disease, or the existence of any uncomplied with orders or violations which indicate the presence of unsanitary conditions in such house, the commissioner of labor, may, without making an inspection of the building, deny such application for a license,

and may continue to deny such application until such time as the records of said department, board or other local authority show that the said tenement house is free from the presence of infectious, contagious or communicable disease, and from all unsanitary conditions. Before, however, any such license is granted, an inspection of the building sought to be licensed must be made by the commissioner of labor, and a statement must be filed by him as a matter of public record, to the effect that the records of the local health department or board or other appropriate authority charged with the duty of sanitary inspection of such houses, show the existence of no infectious, contagious or communicable disease nor of any unsanitary conditions in the said house; such statement must be dated and signed in ink with the full name of the employee responsible therefor. A similar statement similarly signed, showing the results of the inspection of the said building must also be filed in the office of the commissioner of labor before any license is granted. If the commissioner of labor ascertain that such building is free from infectious, contagious or communicable disease, that there are no defects of plumbing that will permit the free entrance of sewer air, that such building is in a clean and proper sanitary condition and that the articles specified in this section may be manufactured therein under clean and healthful conditions, he shall grant a license permitting the use of such building, for the purpose of manufacturing, altering, repairing or finishing such articles. Such license shall be framed, such frame to be furnished by the commissioner of labor upon receipt by him of one dollar for which a receipt in writing shall be given, and shall be posted by the owner in a conspicuous place in the public hallway on the entrance floor of the building to which it relates. It may be revoked by the commissioner of labor if the health of the community or of the employees requires it, or if the owner of the said tenement house, or his duly authorized agent fails to comply with the orders of the commissioner of labor within ten days after the receipt of such orders, or if it appears that the building to which such license relates is not in a healthy and proper sanitary condition. In every case where a license is revoked or denied by the commissioner of labor the reasons therefor shall be stated in writing, and the records of such revocation or denial shall be deemed public records. Where a license is revoked, before such tenement house can again be used for the purposes specified in this section, a new license must be obtained, as if no license had previously existed. Every tenement house and all the parts thereof in which any of the articles named in this section are manufactured, altered, repaired or finished shall be kept in a clean and sanitary condition and shall be subject to inspection and examination by the commissioner of labor, for the purpose\* ascertaining whether said garments or articles or part or parts thereof, are clean and free from vermin and every matter of an infectious or contagious nature. An inspection shall be made by the commissioner of labor of each licensed tenement house not less than once in every six months, to determine its sanitary condition, and shall include all parts of such house and the plumbing thereof. Before making such inspection the commissioner of labor may consult the records of the local department or board charged with the duty of sanitary inspection of tenement houses, to determine the frequency of orders issued by such department or board in relation to the

\* So in original. Word "of" omitted.

said tenement house, since the last inspection of such building was made by the commissioner of labor. Whenever the commissioner of labor finds any unsanitary condition in a tenement house for which a license has been issued as provided in this section, he shall at once issue an order to the owner thereof directing him to remedy such condition forthwith. Whenever the commissioner of labor finds any of the articles specified in this section manufactured, altered, repaired or finished, or in process thereof, in a room or apartment of a tenement house, and such room or apartment is in a filthy condition, he shall notify the tenants thereof to immediately clean the same, and to maintain it in a cleanly condition at all times; where the commissioner of labor finds such room or apartment to be habitually kept in a filthy condition, he may in his discretion cause to be affixed to the entrance door of such apartment a placard calling attention to such facts and prohibiting the manufacture, alteration, repair or finishing of said articles therein. No person, except the commissioner of labor, shall remove or deface any such placard so affixed. None of the articles specified in this section shall be manufactured, altered, repaired or finished in any room or apartment of a tenement house, where there is or has been a case of infectious, contagious or communicable disease in such room or apartment, until such time as the local department or board of health shall certify to the commissioner of labor that such disease has terminated, and that the said room or apartment has been properly disinfected, if disinfection after such disease is required by the local ordinances, or by the rules or regulations of such department or board. None of the articles specified in this section shall be manufactured, altered, repaired, or finished in a part of a cellar or basement of a tenement house, which is more than one-half of its height below the level of the curb or ground outside of or adjoining the same. No person shall hire, employ or contract with and\* person to manufacture, alter, repair or finish any of the articles named in this section in any room or apartment in any tenement house not having a license therefor issued as aforesaid. None of the articles specified in this section shall be manufactured, altered, repaired or finished in any room or apartment of a tenement house by any person other than the members of the family living therein, which shall include a husband and wife and their children, or the children of either. Nothing in this section contained shall prevent the employment of a tailor or seamstress by any person or family for the purpose of making, altering, repairing or finishing any article of wearing apparel for the use of such person or family.

§ 3. Section one hundred and one of said act is hereby amended to read as follows:

§ 101. Register of persons to whom work is given.—Persons contracting for the manufacturing, altering, repairing or finishing of any of the articles mentioned in section one hundred of this act or giving out material from which they or any part of them are to be manufactured, altered, repaired or finished, shall keep a register of the names and addresses plainly written in English of the persons to whom such articles or materials are given to be so manufactured, altered, repaired or finished or with whom they have contracted to do the same. It shall be incumbent upon all persons contracting for the manufacturing, altering, repairing or finishing of any of the

\* So in original

articles specified in section one hundred of this act, or giving out material from which they or any part of them are to be manufactured, altered, repaired or finished, before giving out the same to ascertain from the office of the commissioner of labor whether the tenement house in which such articles or materials are to be manufactured, altered, repaired or finished, is licensed as provided in this act, and also to ascertain from the local department or board of health the names and addresses of all persons then sick of any infectious, contagious or communicable disease, and residing in tenement houses; and none of the said articles nor any material from which they or any part of them are to be manufactured, altered, repaired or finished shall be given out or sent to any person residing in a tenement house that is not licensed as provided in this act, or to any person residing in a room or apartment in which there exists any infectious, contagious or communicable disease. The register mentioned in this section shall be subject to inspection by the commissioner of labor, and a copy thereof shall be furnished on his demand as well as such other information as he may require.

§ 4. Section one hundred and three of said act is hereby amended to read as follows:

§ 103. Powers and duties of boards of health relative to tenement-made articles.—If the commissioner of labor finds evidence of disease present in a workshop or in a room or apartment in a tenement house or dwelling house, in which any of the articles named in section one hundred of this chapter are manufactured, altered, repaired or finished or in process thereof, he shall affix to such articles the label prescribed in the preceding section, and immediately report to the local board of health, who shall disinfect such articles, if necessary, and thereupon remove such label. If the commissioner of labor finds that infectious or contagious diseases exist in a workshop, room or apartment of a tenement or dwelling house in which any of the articles specified in section one hundred of this chapter, are being manufactured, altered, repaired or finished, or that articles manufactured or in process of manufacture therein are infected or that goods used therein are unfit for use, he shall report to the local board of health. The local health department or board in every city, town and village whenever there is any infectious, contagious or communicable disease in a tenement house shall cause an inspection of such tenement house to be made within forty-eight hours. If any of the articles specified in section one hundred of this act are found to be manufactured, altered, repaired or finished, or in process thereof in an apartment in which such disease exists, such board shall issue such order as the public health may require, and shall at once report such facts to the commissioner of labor, furnishing such further information as he may require. Such board may condemn and destroy all such infected article or articles manufactured or in the process of manufacture under unclean or unhealthful conditions. The local health department or board or other appropriate authority charged with the duty of sanitary inspection of such houses, in every city, town and village shall, when so requested by the commissioner of labor, furnish copies of its records as to the presence of infectious, contagious or communicable disease, or of unsanitary conditions in said houses; and shall furnish such other information as may be necessary to enable the commissioner of labor to carry out the provisions of this act.

§ 5. Section one hundred and five of said act is hereby amended to read as follows:

§ 105. Owners of tenement and dwelling houses not to permit the unlawful use thereof.—The owner or agent of a tenement house or dwelling house shall not permit the use thereof for the manufacture, repair, alteration or finishing of any of the articles mentioned in this article contrary to its provisions. If a room or apartment in such tenement house or dwelling house be so unlawfully used, the commissioner of labor shall serve a notice thereof upon such owner or agent. Unless such owner or agent shall cause such unlawful manufacture to be discontinued within ten days after the service of such notice, or within fifteen days thereafter institutes and faithfully prosecutes proceedings for the dispossession of the occupant of a tenement house, or dwelling house who unlawfully manufactures, repairs, alters or finishes such articles therein, he shall be deemed guilty of a violation of this article, as if he, himself, was engaged in such unlawful manufacture, repair, alteration or finishing. The unlawful manufacture, repair, alteration or finishing of any of such articles by the occupant of a room or apartment of a tenement house, or dwelling shall be a cause for dispossessing such occupant by summary proceedings to recover possession of real property, as provided in the code of civil procedure.

§ 6. This act shall take effect October first, nineteen hundred and four.

#### CHAPTER 589.

#### AN ACT to amend the Greater New York charter, in relation to qualifications of patrolmen and firemen.

Accepted by the City. Became a law May 4, 1904, with the approval of the Governor.  
Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section seven hundred and thirty-four of the Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 734. No person shall be appointed to membership in the fire department or continue to hold membership therein, who is not a citizen of the United States, or who has ever been convicted of felony; nor shall any person be appointed who cannot read and write understandingly the English language, or who shall not have resided within the state one year immediately prior to his appointment, or who is not over the age of twenty-one and under the age of thirty years, except that after a person's name is placed on the eligible list, he may be appointed while his name continues on the same list, although meanwhile he may have attained such age. Every member of the uniformed force shall reside within the limits of the city of New York.

§ 2. This act shall take effect immediately.

**CHAPTER 659.**

**AN ACT to amend the penal code relative to bribery of representatives of labor organizations.**

Became a law May 9, 1904, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Title twelve of the penal code is hereby amended by adding at the end thereof a new section to be section four hundred and forty-seven-f and to read as follows:

§ 447-f. Bribery of labor representatives.—A person who gives or offers to give any money or other things of value to any duly appointed representative of a labor organization with intent to influence him in respect to any of his acts, decisions, or other duties as such representative, or to induce him to prevent or cause a strike by the employees of any person or corporation, is guilty of a misdemeanor; and no person shall be excused from attending and testifying, or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial, for a violation of this section, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding.

§ 2. This act shall take effect September first, nineteen hundred and four.

**CHAPTER 709.**

**AN ACT to amend sections thirty and thirty-four of title two of chapter three of part four of the revised statutes relating to state prisons, as amended by chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, relative to the compensation of certain officers.**

Became a law May 11, 1904, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Sections thirty and thirty-four of title two of chapter three of part four of the revised statutes relating to state prisons, as amended by chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, are hereby amended so as to read as follows:

§ 30. The superintendent of state prisons shall appoint the agent and warden, physician, and chaplain of each of the said prisons, as provided in the constitution; and he may remove them from office whenever in his judgment the public interests shall so require. He shall designate such number of guards, teachers and other employees at each of said prisons as he may



deem necessary for the safe-keeping and improvement of the prisoners or for the maintenance of discipline and he shall also designate which of them shall reside at the prison. But the number of guards shall not exceed the proportion of one guard to fourteen prisoners at each of said prisons.

1. The comptroller shall appoint a clerk of each of said prisons as provided by the constitution, and is authorized to appoint an assistant clerk of each of said prisons whenever in his judgment the public interests shall so require.

2. The agent and warden of each of said prisons shall appoint, subject to the approval of the superintendent of state prisons, a principal keeper, a store-keeper, a kitchen-keeper, a hall-keeper, a yard-keeper, a sergeant of the guard, and so many other keepers, guards, teachers and employees of such prison as shall be designated by the superintendent of state prisons as aforesaid, and such agent and warden shall have the power to remove such subordinate officers and employees so appointed by him.

3. No appointment shall be made in any of the state prisons of this state on the grounds of political partisanship; but honesty, capacity, and adaptation shall constitute the rule for appointments, and any violation of this rule shall be sufficient cause for the removal from office of the officer committing such violation. No person under twenty-one years of age shall be appointed to or hold any office at any state prison, nor shall any subordinate officer be appointed at any of said prisons by the agent and warden, unless such subordinate officer is a citizen of this state.

§ 34. The superintendent of state prisons shall, from time to time, prescribe the compensation of the other officers of said prisons, but the compensation so fixed and prescribed for the following officers in each of such prisons shall not in any case exceed the rate of an annual salary as follows: To the principal keeper, two thousand dollars; to the kitchen-keeper, store-keeper, hall-keeper and yard-keeper, each twelve hundred dollars; to the sergeant of the guard nine hundred dollars; to the state detective at Sing Sing prison eighteen hundred dollars. The position of keeper in the several state prisons is hereby abolished and officers heretofore designated as keepers shall hereafter be classified as guards. The several guards shall be paid only for services actually rendered, and their annual compensation shall be subject to pro rata deduction for time not served. The compensation of guards hereafter appointed shall be as follows: For the first year's service, six hundred and sixty dollars; for the second year's service, seven hundred and forty dollars; for the third year's service, eight hundred and twenty dollars; for the fourth year's service, and thereafter, nine hundred dollars. The annual compensation of guards in service at the time this act takes effect shall be, for services hereafter rendered, as follows: To those serving their first year as prison officers, seven hundred and eighty dollars; to those serving their second year as prison officers, eight hundred and twenty dollars; to those serving their third year as prison officers, eight hundred and sixty dollars; to those who have served three or more years as prison officers, nine hundred dollars.

§ 2. This act shall take effect June first, nineteen hundred and four.

CHAPTER 714.

**AN ACT to amend the insanity law, in relation to the salaries of certain officers and employees of state hospitals.**

Became a law May 11, 1904, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section thirty-eight of chapter five hundred and forty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the insane, constituting chapter twenty-eight of the general laws," as amended by chapter three hundred and eighty of the laws of nineteen hundred and chapter twenty-six of the laws of nineteen hundred and two, is hereby amended to read as follows:

§ 38. Salaries of officers and wages of employees.—The commission, from time to time, with the approval in writing of the governor, secretary of state and comptroller, shall fix the annual salaries of the resident officers of the state hospitals, which shall be uniform for like service. They shall classify the other officers and employees into grades, and, except as provided by section thirty-eight-a of this chapter, shall determine the salaries and wages to be paid in each grade, which shall be uniform in all the hospitals. The salaries and wages shall be included in the estimates and paid in the same manner as other expenses of the state hospitals. Food supplies shall be allowed to officers and employees and the families of the superintendents, first assistant physicians and stewards. Food supplies shall continue to be allowed the families of the assistant physicians residing at the hospitals on May first, nineteen hundred and four. Such families shall consist only of the wives and minor children of such officers; no other persons, except those regularly employed, shall be allowed rooms and maintenance, except at a rate to be fixed by the commission; such supplies shall be drawn from the supplies provided for general hospital use. With the approval of the commission, officers or employees of state hospitals may be permitted to live outside of such hospitals, and shall receive such sums in lieu of the quarters or supplies furnished by the hospitals, as may be equitable.

§ 2. Such chapter is hereby amended by inserting therein a new section to be section thirty-eight-a thereof and to read as follows:

§ 38-a. Salaries of certain officers and wages of certain employees prescribed.—The officers or employees of the state hospitals now or hereafter classified as occupying offices or positions specified in the schedule at the end of this section shall hereafter receive the salaries or wages per month indicated opposite the name or title of such office or position, except that where a minimum and maximum rate per month is prescribed, advancement from the minimum to the maximum rate shall be in accordance with the length of service, as prescribed in such schedule. If a minimum and maximum rate per month is not prescribed in such schedule, the salary or wages per month of such officer or employee shall be the amount indicated opposite the name or title of such office or position. Where an increase of salary or wages is

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allowed at a certain rate per month or otherwise for continuous service, continuous service performed before this section takes effect in the same position or employment, shall be deemed a part of the continuous service in determining the salary or wages to which such officer or employee shall be entitled under this section.

## SCHEDULE OF SALARIES AND WAGES.

### I.

#### ADMINISTRATION DEPARTMENT.

POSITION.	Wages per month.	
	Minimum.	Maximum.
Man stenographer.....	\$62 50	\$75 00
Women stenographers.....	50 00	62 50
Watchmen.....		43 75
Policemen.....		43 75
Barbers.....	37 50	50 00
Coachman.....	50 00	56 25
Drivers.....		31 25
Pages and messenger boys.....	17 50	22 50

Increase of wages from minimum to maximum shall be made at the rate of two dollars per month for each year of continuous service.

### II.

#### FINANCIAL DEPARTMENT.

POSITION.	Wages per month.	
	Minimum.	Maximum.
Bookkeeper.....	\$87 50	\$100 00
Accountant.....	75 00	87 50
Voucher and treasurer's clerk.....	50 00	62 50
Storekeeper.....	50 00	62 50
Man stenographer.....	62 50	75 00
Woman stenographer.....	50 00	62 50

Increase of wages from minimum to maximum shall be at the rate of two dollars per month for each year of continuous service. Where a telegraph office is maintained in an institution an extra compensation of ten dollars per month shall be allowed to the person performing the service of operator.

### III.

#### SUPERVISORS.

POSITION.	Wages per month.	
	Minimum.	Maximum.
1. Chief supervisors, men.....	\$50 00	\$62 50
2. Chief supervisors, women.....	43 75	56 25
3. Supervisors, men.....	43 75	56 25
4. Supervisors, women.....	37 50	50 00

Increase of wages from minimum to maximum shall be at the rate of one dollar per month for each six months of continuous service.

### IV.

#### NURSES AND ATTENDANTS.

POSITION.	Wages per month.	
	Minimum.	Maximum.
1. Charge nurses, men.....	\$35 00	\$41 25
2. Charge nurses, women.....	28 75	35 00
3. Nurses, men.....	31 25	37 50
4. Nurses, women.....	25 00	31 25
5. Charge attendants, men.....	31 25	37 50
6. Charge attendants, women.....	25 00	31 25
7. Attendants, men.....	22 00	30 00
8. Attendants, women.....	16 00	22 50
9. Special attendants, men.....	37 50	43 75
10. Special attendants, women.....	31 25	37 50
11. Dining-room attendants, women.....	17 50	22 50
12. Ward helpers, women.....		15 00

Increase of wages from minimum to maximum shall be at the rate of one dollar per month for each six months of continuous service. An attendant or nurse performing night service for a period of one month succeeding the first day of the month shall be entitled to one dollar per month in addition to regular wages. All attendants and all special attendants whether in immediate charge of patients or otherwise shall receive at least the wages designated in the above schedule.

## SCHEDULE OF SALARIES AND WAGES—(Continued).

V.  
DOMESTIC SERVICE.

POSITION.	Wages per month.	
	Minimum.	Maximum.
Housekeepers.....	\$31 25	\$37 50
Waitresses and chambermaids.....	16 25	21 25

Increase of wages from minimum to maximum shall be at the rate of one dollar per month for each year of continuous service.

VI.  
KITCHEN SERVICE.

POSITION.	Wages per month.	
	Minimum.	Maximum.
Chefs, men.....		\$93 75
Head cooks, men.....		50 00
Head cooks, women.....		50 00
Cooks, men.....		31 25
Cooks, women.....		31 25
Assistant cooks, women.....		25 00
Kitchen helpers, men.....	\$25 00	30 00
Kitchen helpers, women.....	17 50	22 50

The wages of kitchen helpers shall be increased from minimum to maximum at the rate of one dollar per month for each six months of continuous service.

VII.  
BAKERY SERVICE.

POSITION.	Wages per month.	
	Minimum.	Maximum.
Baker.....		\$62 50
Assistant baker.....		43 75
Bakers' helpers.....	\$25 00	31 25

Increase of wages of bakers' helpers from minimum to maximum shall be at the rate of one dollar per month for each year of continuous service.

VIII.  
MEAT CUTTERS.

POSITION.	Wages per month.
Meat cutters.....	\$50 00

In institutions having a population of over two thousand patients, the meat cutter shall receive sixty-two dollars and fifty cents per month.

IX.  
LAUNDRY SERVICE.

POSITION.	Wages per month.
Laundry overseer.....	\$62 50
Launderers.....	31 25
Head laundress.....	31 25
Laundresses.....	18 75

X.  
ENGINEER'S DEPARTMENT.

POSITION.	Wages per month.	
	Minimum.	Maximum.
Chief engineer.....		\$125 00
Engineer's assistants, first grade.....		75 00
Engineer's assistants, second grade.....		62 50
Engineer's assistants, third grade.....		50 00
Electrical engineer.....		93 75
Electrical engineer's assistants, first grade.....		75 00
Electrical engineer's assistants, second grade.....		62 50
Electrical engineer's assistants, third grade.....		50 00
Linemen.....		43 75
Plumbers and steam fitters.....		75 00
Plumbers and steam fitters' helpers.....	\$26 25	37 50
Firemen, eight-hour shifts.....		37 50
Firemen, twelve-hour shifts.....		50 00

Plumbers and steam fitters' helpers shall receive an increase from minimum to maximum at the rate of three dollars per month for each year of continuous service.

## SCHEDULE OF SALARIES AND WAGES—(Continued).

XI.  
BUILDING DEPARTMENT.

POSITION.	Wages. per month.
Master mechanic.....	\$125 00
Head carpenter.....	75 00
Carpenters.....	62 50
Painters.....	62 50
Blacksmiths.....	62 50

XII.  
INDUSTRIAL DEPARTMENT.

POSITION.	Wages per month. Minimum. Maximum.
Shop foreman.....	\$56 25
Tailor.....	\$50 00 56 25
Shoemaker.....	50 00 56 25

Increase of wages of tailor and shoemaker from minimum to maximum shall be at the rate of one dollar per month for each year of continuous service.

XIII.  
PRINTING AND BOOKBINDING DEPARTMENT.

POSITION.	Wages per month.
Foreman.....	\$75 00
Printer.....	62 50
Bookbinder.....	62 50

An employee who in addition to his other duties performs the duty of proofreader in the printing and bookbinding department, shall receive an additional compensation of twenty-five dollars per month. The bookkeeper who keeps the accounts of the printing and book-binding department shall receive an additional compensation of twenty dollars per month.

XIV.  
FARM AND GROUNDS DEPARTMENT.

POSITION.	Wages per month. Minimum. Maximum.
Head farmer.....	\$56 25 \$62 50
Dairyman.....	43 75 50 00
Farmers.....	31 25 37 50
Herdsmen.....	31 25 37 50
Gardeners.....	43 75 50 00
Florists.....	50 00 56 25
Drivers.....	31 25
Laborers.....	25 00

Increase of wages from minimum to maximum shall be at the rate of one dollar per month for each year of continuous service.

§ 3. This act shall take effect immediately.

**CHAPTER 718.**

**AN ACT** authorizing the selection of lands as a site for the New York state training school for boys, and establishing the said school.

*Passed without the acceptance of the city* Became a law May 11, 1904, with the approval of the Governor. Passed, three-fifth being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**Section 1. Selection of lands.**—For the purpose of acquiring a site for the New York state training school for boys, which is hereby established, the comptroller, the fiscal supervisor of state charities, the president of the board of managers of the society for the reformation of juvenile delinquents in the city of New York, the president of the state board of charities, the state architect shall, as soon as practicable, select suitable lands within fifty miles of the city of New York upon which such school shall be located. The lands

so selected shall comprise one thousand acres as near as may be. They shall cause to be made by the state engineer and surveyor a map or maps of the lands so selected, which shall be certified by a majority of them and filed in the office of the secretary of state, and duplicates thereof in the office of the clerk of the county wherein such lands are located.

§ 2. **Contracts for sale of lands.**—They shall ascertain upon what terms the lands so selected can be purchased of the owner or owners thereof, and whether a good, clear and unincumbered title can be conveyed to the state of New York. They may enter into contracts with such owners, which shall bind such owners to convey to the state the lands described therein at any time within two years from the date thereof, if such conveyance shall be duly authorized hereafter and demanded on behalf of the state within that time.

§ 3. **Estimates for improvements.**—They shall also cause to be prepared a general plan of the buildings and improvements necessary to be constructed and made upon such land in order to effect the location of the said New York state training school for boys thereon, and shall cause to be prepared by the state architect preliminary plans and specifications of such buildings and improvements, and the estimated cost thereof.

§ 4. **Report to the legislature.**—They shall report to the legislature of nineteen hundred and five, the terms upon which such lands can be purchased, and whether a good, clear and unincumbered title thereto can be conveyed to the state, and shall attach to such report a corrected copy of each of such contracts. If such terms cannot be made with the owners of any of the lands so selected, and a contract for the purchase thereof has not been made, such report shall contain an estimate of the amount for which such lands can probably be purchased based upon such facts as may be ascertained by them. They shall at the same time submit to the legislature proposed bills for the purpose of completing the erection and equipment of new buildings on the site selected by them, for the removal of the inmates confined in the house of refuge for juvenile delinquents as established by the society for the reformation of juvenile delinquents in the city of New York, for the future commitment of juvenile delinquents to the institution so erected on such new site for the management and maintenance of such institution, and providing generally for carrying out the objects and purposes of this act.

§ 5. **Condemnation.**—Whenever appropriation shall have been made for the purchase of the lands described in such map, and such lands cannot be purchased upon satisfactory terms from the owner or owners thereof, or it may be found necessary, in order to acquire title thereto, then they are hereby authorized and empowered to institute and conduct proceedings in the name of the people of the state of New York, under the condemnation law for the purpose of acquiring title to such lands.

§ 6. **Lands when acquired to be a site for the New York state training school for boys.**—When such lands shall have been acquired by the state, they shall be known as the New York state training school for boys, and be used by the state for the purpose of caring for and training all juvenile delinquents properly committed thereto by courts of competent jurisdiction in accordance with existing laws authorizing commitments to the house of refuge on Randall's Island.

§ 7. **Negotiations with city authorities.**—Such commission shall enter into negotiations with the proper authorities of the city of New York for the purpose of receiving from such city such aid and privileges as may be reasonable in consideration of the abandonment by the state and the managers of the society for the reformation of juvenile delinquents in the city of New York, of the lands on Randall's Island in such city now occupied by the house of refuge for juvenile delinquents in the city of New York, and the consequent reversion of the title of such lands to such city. Such commission may execute an agreement with the proper authorities of such city, conditioned upon such abandonment, and the selection of a site and the execution of contracts for the purchase of lands therefor, as provided in this act, binding such city to assist the state in the purchase of lands contracted for under the provisions of this act, and for the erection thereon of buildings for the use of the said New York state training school for boys.

§ 8. This act shall take effect immediately.

#### CHAPTER 753.

### AN ACT to amend the military code, relating to the compensation of employees in armories.

Became a law May 14, 1904, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section one hundred and forty of chapter two hundred and twelve, of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to the militia, constituting chapter sixteen of the general laws," is hereby amended to read as follows:

§ 140. **Compensation of employees in armories.**—The persons appointed under the provisions of the two preceding sections shall receive compensation for the time actually and necessarily employed in their duties, to be fixed by the commanding officer appointing such persons, as follows: When employed in armories or arsenals located in cities, armorers, janitors and engineers not to exceed four dollars per day, unless the city has a population of less than two hundred thousand, in which case such compensation shall not exceed three dollars per day, and two dollars per day in armories\* or arsenals not located in cities; laborers not to exceed two dollars per day, except in cities having a population of one million or over, three dollars per day, which compensation, as certified to by the commanding officer appointing such persons, under the provisions of the two preceding sections, shall be paid semimonthly upon the certificate of such officer, and shall be a county charge upon the county in which such armory or arsenal is situated; and shall be levied, collected and paid in the same manner as other county charges are levied, collected and paid. A commissioned officer in active service shall not be eligible for appointment to, and shall not hold the position of armorer, janitor, engineer or laborer in any armory or arsenal.

§ 2. This act shall take effect immediately.

\*So in original.

## APPENDIX II.

## JUDICIAL DECISIONS RELATING TO LABOR.

## (1). VALIDITY OF A NEW CHILD LABOR LAW.

[*The City of New York v. The Chelsea Jute Mills*, decided by Justice Roesch of the Fourth Municipal District Court, March 24, 1904, 43 Misc. 268.]

As noted in the current report of the Bureau of Factory Inspection, one effect of the 1903 amendments to the Child Labor Laws was to diminish the employment of children by preventing evasion of the requirements as to age and schooling in the issuance of employment certificates. In place of the parents' affidavit respecting the child's age was substituted a requirement of documentary proof from a baptismal register or public records of birth. Parents greedy for the earnings of young children could no longer obtain the necessary permit and in some cases were tempted to make a false affidavit that a child had attained its sixteenth year, in which case no employment certificate would be necessary. As a result of numerous complaints about the employment of young children in the Chelsea Jute Mills of Brooklyn, the Child Labor Committee instituted an investigation and secured proof that many children employed therein were actually under the age of fourteen years. Thus in the case of Annie Ventre, who had secured employment April 7, 1903, upon presentation of her father's affidavit that she was sixteen years old (which was clearly refuted by her appearance), it was learned that she was in fact less than twelve years old—according to the register of the school last attended, according to the admission of her parents when questioned by the attendance officers and according to the certificate of birth filed in the municipal bureau of vital statistics.

The Board of Education brought an action to recover the penalty provided in section 5 of the Consolidated School Law, which, as amended by chapter 459 of the Laws of 1903, imposes a fine of \$50 on any person who employs a child under fourteen years of age within the school term. At the trial before Justice Roesch of the Fourth Municipal District Court, in February, there was no dispute as to the facts of the case, the parents having testified that the girl was twelve years old on July 29, 1903; but the defendants raised the objection that the law was (1) "an unwarranted, illegal and unconstitutional deprivation of their liberties;" (2) that the provision in question was foreign to the scope of the school law and had no legitimate place in that statute; (3) that the defendants were exempt from liability because they had in good faith accepted the affidavit as to the child's age and could not be expected to go back of the parents' statement.



On the 24th of March Justice Roesch handed down a decision in which he completely sustained the law. Regarding the constitutionality of the statute he said, in part:

"It is true that the Legislature must respect freedom of contract and the right to live and work when and how one will (People v. Gillson, 109 N. Y. 389). Yet the weal of the people is the supreme law; the Legislature may not disregard it, private interests are subordinated to the public good, and even a statute opposed to natural justice and equity, requiring vigilance or causing vexation or annoyance will be upheld if within constitutional limitations. . . . Much more potent if possible is a statute seeking the protection of children. They are the wards of the State, which is particularly interested in their well-being as future members of the body politic and has an inherent right to protect itself and them against the baneful effects of ignorance, infirmity or danger to life and limb. Legislation is replete with enactments of such a character."

The opinion then mentions the "enlightened code for the prevention of cruelty to children;" the factory legislation in this and other States; the Court of Appeals decision in Marino v. Lehmaier, (173 N. Y. 530, quoted in the report of last year, page 125), making an employer virtually an insurer of the safety of a child, etc. The justice refers to the medical testimony regarding the evils of child labor, the messages of Governors Hill, Black and Odell, the annual reports of the factory inspectors, the recommendations of the United States Industrial Commission and the investigation of the Assembly (Reinhard) committee of 1896, and concludes that "in the light of such overpowering evidence, the Legislature might indeed have been charged with criminal neglect of the welfare of the people had it failed to act as it did."

An objection to the section that it is foreign to the scope of the school law, in no way aids the school authorities in their work and has no legitimate place in the statute, is held by Justice Roesch to be untenable, as the provisions of the Child Labor Law must be read in connection with the section, and but emphasize the intent of the Legislature to prohibit the labor and enforce the education of children under the stated age.

The principal defense of the company, that in relying upon the affidavit of the parent that the child was sixteen years old, it had acted in good faith and could not be punished in the absence of proof of intent to violate the law, was overruled by the justice, thus:

"Nor may the defendant assert exemption from liability on account of 'good faith, want of intent to violate the statute and non-employment of the child since the trial.' Assuredly the last ground is not seriously urged. If it were countenanced, the extent and duration of violations of the statute would be measured only by a defendant's successful appeal to the 'law's delay.' Nor is the good faith of defendant or absence of intent an excuse. The defendant was not active in its quest after the age of the child. It was passive. It complacently received the affidavit of the father upon that point. The forelady testified that she made no other inquiries, but rested entirely upon the affidavit and the statement of the girl that she was 'sixteen passed.' She was in court. To the most casual observer the very appearance of the child refuted her statement.

"When she made it she was but eleven years and nine months old, and her daily toil dragged through ten and a half hours. She showed the effects in her maldevelopment and stunted growth. She was a living picture of the results of child labor in a factory at a delicate age, when womanhood and manhood are in a state of development. Impelled solely by principles conservative of the supreme welfare, the law should be upheld, thus making it impossible to enfeeble and deteriorate the future citizenship of the State.

\* \* \* \* \*

"The present statute is absolute. It must necessarily be so to accomplish its object. The employer acts at his peril. The fact of employment makes him liable. The contention of

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the defendant would require judicial legislation and render the statute nugatory, for good faith could easily be alleged and seldom disproved. It would furthermore put a premium on perjury to obtain employment.

\* \* \* \* \*  
"If this law be declared invalid, the door will be thrown open wide to the most noxious kinds of child labor."

### (2). CONSTITUTIONALITY OF THE BAKERS' TEN HOUR LAW AFFIRMED.

*[People of the State of New York vs. Lochner, argued before the Court of Appeals Oct. 16, 1903, decided January 12, 1904, affirming 73 App. Div. 120 — 177 N. Y., 145-189.]*

#### OPINION OF CHIEF JUDGE PARKER.

Defendant's conviction is under subdivision 3, section 384<sup>1</sup>, Penal Code, which makes a violation of Article VIII, chapter 415, Law's 1897, a misdemeanor. The judgment is affirmed by the Appellate Division.

Defendant urges as ground for a reversal that Article VIII—which on its face purports to be, as we shall see later, an exercise of the police power of the State—offends against the first section of the fourteenth amendment to the United States Constitution. That section provides that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." It is also claimed that the statute violates those provisions of the State Constitution which declare that "No member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers" (Const. art 1, § 1), "nor be deprived of life, liberty or property without due process of law." (Const. art. 1, § 6.)

The first cases in which the fourteenth amendment is discussed by the United States Supreme Court are the Slaughter House Cases (83 U. S. 36), wherein is challenged the Louisiana statute authorizing the removal of noxious slaughter houses from the more densely populated part of New Orleans, and their location where they could least affect the health and comfort of the people, and to that end granting a corporation exclusive right for 25 years to maintain slaughter houses within three parishes, containing between two hundred thousand and three hundred thousand people, and including New Orleans. This is held to be a police regulation for the health and comfort of the people, and, therefore, within the power of the State Legislature, and not affected by the fourteenth amendment, which the court says is not intended to interfere with the exercise of police power by the States.

In *Barbier v. Connolly* (113 U. S. 27) the Supreme Court has before it a San Francisco ordinance prohibiting work in public laundries within defined territory from 10 P. M. to 6 A. M., claimed to be repugnant to the fourteenth amendment. The court rules that the ordinance is well within the police power, and in the course of the opinion says: "Neither the amendment—broad and comprehensive as it is—nor any other amendment, was designed

to interfere with the power of the State, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, education and good order of the people, and to legislate so as to increase the industries of the State, develop its resources and add to its wealth and prosperity." (p. 31.)

There are many interesting cases in the United States Supreme Court sustaining statutes of different States which in terms seem repugnant to the fourteenth amendment, but which that court declares to be within the police power of the States. Among them are statutes declaring a railroad company liable for damages to an employee although caused by another employee (127 U. S. 205); fixing the damages at double the value of stock killed, when due to the neglect of a railroad company to maintain fences (129 U. S. 26); requiring locomotive engineers to be licensed, and providing that the railroad company employing them pay the fees of examination (128 U. S. 96); requiring cars to be heated otherwise than by stoves on railroads over 50 miles in length (165 U. S. 628); providing for immediate payment of wages by railroad companies to discharged employees (173 U. S. 404); prohibiting options to sell grain (184 U. S. 425); providing for inspection of mines at expense of owners (185 U. S. 203), and one declaring void all contracts for sales of stocks on margins (187 U. S. 606).

I shall call special attention to but one other case, namely, *Holden v. Hardy* (169 U. S. 366). In that case the court reviews at length many of the cases arising under the fourteenth amendment, beginning with the *Slaughter House Cases*. The case involves a Utah statute providing that "The period of employment of workmen in all underground mines or workings shall be eight hours per day, except in cases of emergency where life or property is in imminent danger." Violation is made a misdemeanor. The conviction of one Holden under that statute is affirmed by the United States Supreme Court. It is argued by defendant in that case that the statute has no relation to the health or safety of the public or the persons affected, or if so, only in a very remote degree, while its direct and principal effect is to interfere with the rights and liberties of the contracting parties; that the right to contract contains three essential and indispensable elements, guaranteed and protected by the United States Constitution, namely, "the right of the employer and employee to agree upon (1) the character of the service to be performed, (2) the amount to be paid for such service, and (3) the number of hours per day during which the service is to continue;" that the destruction or abridgement of one element is a destruction or abridgement of the whole of said right to contract; that the statute abridges the "privileges and immunities" in that it deprives the employer and the employee of perfect freedom and liberty to pursue unmolested a lawful vocation in a lawful manner; that the rights of the employer and employee in that direction were unlimited before the adoption of the fourteenth amendment and that since its adoption it is beyond the power of any State to make any laws abridging or destroying such rights. This latter contention—which if sustained would practically prevent all further development of the police power on the part

of the States—is overborne by the court. Many cases passed upon by the court since the adoption of the fourteenth amendment are cited furnishing illustrations tending to justify the boast of the devotees of the common law, that by the application of established legal principles the law has been, and will continue to be, developed from time to time so as to meet the ever-changing conditions of our widely diversified and rapidly developing business interests. The court quotes from Mr. Justice Matthews in *Hurtado v. California* (110 U. S. 516, 530): "This flexibility and capacity for growth and adaptation is the peculiar boast and excellence of the common law. \* \* \* The Constitution of the United States was ordained, it is true, by descendants of Englishmen, who inherited the traditions of English law and history; but it was made for an undefined and expanding future, and for a people gathered and to be gathered from many nations and of many tongues. \* \* \* There is nothing in Magna Charta, rightly construed as a broad charter of public right and law, which ought to exclude the best ideas of all systems and of every age; and as it was the characteristic principle of the common law to draw its inspiration from every fountain of justice, we are not to assume that the sources of its supply have been exhausted. On the contrary, we shall expect that the new and various experiences of our own situation and system will mould and shape it into new and not less useful forms." The court illustrates by forceful examples the necessity of recognizing in legal decisions the change of conditions. After calling attention to the fact that in the early history of the country there was no occasion for any special protection of a particular class, as we were almost purely an agricultural country, it instances coal mining and the manufacture of iron. When these industries began in Pennsylvania as early as 1716 they were carried on in such a limited way, and by such primitive methods, that no special laws were deemed necessary to protect operatives; but since that time they have assumed such vast proportions in that and other States, and developed so many dangers to the safety and life of those engaged in them, that laws to meet such exigencies have become necessary. It calls attention to many protective statutes enacted in many different States providing for fire escapes in hotels, theaters, factories and other large buildings; inspection of boilers; appliances to obviate the dangers incident to railroad and steamboat transportation; the protection of dangerous machinery against accidental contact; the shoring up of ventilation shafts; means for signaling in mines for fresh air; the elimination as far as possible of dangerous gases, and safe means of hoisting and lowering employees in mines. It is said that statutes providing such safeguards "have been repeatedly enforced by the courts of the several States; their validity assumed, and, so far as we are informed, they have been uniformly held to be constitutional" (169 U. S. 366, 394), which, of course, means that the courts of the several States making these decisions hold that such statutes do not deprive citizens of any of the rights or privileges guaranteed by the Constitution, nor deprive them of property without due process of law, for every State Constitution contains such a provision or its equivalent. Of such illustrations the court further

says (p. 387): "They are mentioned only for the purpose of calling attention to the probability that other changes of no less importance may be made in the future, and that while the cardinal principles of justice are immutable, the methods by which justice is administered are subject to constant fluctuation, and that the Constitution of the United States, which is necessarily and to a large extent inflexible and exceedingly difficult of amendment, should not be so construed as to deprive the States of the power to so amend their laws as to make them conform to the wishes of the citizens as they may deem best for the public welfare without bringing them into conflict with the supreme law of the land." This broad-minded view—which is characteristic of the development of the law by this great court since the adoption of the fourteenth amendment—should, and doubtless will be, followed by the courts of the several States whenever called upon to determine whether statutes offend against the provisions of State Constitutions similar or equivalent to the provisions of the fourteenth amendment. The cases cited, and the reasoning of the court, to which but brief reference is here made, demonstrate that this statute does not offend against the fourteenth amendment, and it necessarily follows that it is not repugnant to equivalent provisions in our State Constitution.

This court throughout all its history has maintained the same position as that taken by the United States Supreme Court. Many authorities could be cited in support of that assertion, but none need be, for they are all in one direction.

The impossibility of setting the bounds of the police power has up to this time prevented any court from attempting it, and the reason for it is well stated by Judge Gray in *People v. Ewer* (141 N. Y. 129, 132). He says: "It is difficult, if not impossible, to define the police power of a State; or, under recent judicial decisions, to say where the constitutional boundaries limiting its exercise are to be fixed. It is a power essential to be conceded to the State in the interest and for the welfare of its citizens. We may say of it that when its operation is in the direction of so regulating the use of private property, or of so restraining personal action, as manifestly to secure, or to tend to the comfort, prosperity, or protection of the community, no constitutional guaranty is violated, and the legislative authority is not transcended." In that case the constitutionality of section 292, Penal Code, is questioned. That section makes it a misdemeanor to exhibit as a dancer a female child under fourteen years of age. The court denies that the statute violates our Constitution because it deprives the mother, the person arrested, of the rights and privileges secured to her by the Constitution.

In *People ex rel. Nechamcus v. Warden, etc.* (144 N. Y. 529), the constitutionality of chapter 602, Laws 1892, is challenged. The act provides for examination and registration of master plumbers, and makes it a misdemeanor for any person to engage in that trade without such registration. This court holds the statute to be within the police power of the Legislature, and, therefore, not repugnant to the Constitution. Judge Grays says, in the opinion (p. 535): "There has been much discussion upon the subject of

what is a valid exercise of the police power of the State through legislative enactment and there is little to be added to what this and other courts have said. The police power extends to the protection of persons and of property within the State. In order to secure that protection, they may be subjected to restraints and burdens by legislative acts. If the act is a valid and reasonable exercise of the police power of the State, then it must be submitted to, as a measure designed for the protection of the public and to secure it against some danger, *real or anticipated*, from a state of things which modifications in our social or commercial life have brought about. The natural right to life, liberty and the pursuit of happiness is not an absolute right. It must yield whenever the concession is demanded by the welfare, health or prosperity of the State. The individual must sacrifice his particular interest or desires if the sacrifice is a necessary one in order that organized society as a whole shall be benefited. That is a fundamental condition of the State, and which, in the end, accomplishes by reaction a general good, from which the individual must also benefit."

In *Health Department v. Rector, etc.* (145 N. Y. 32), the court considers a provision of the New York Consolidation Act requiring that tenement houses already erected shall be furnished by the owners with water, "when-ever they shall be directed so to do by the board of health," "in sufficient quantity at one or more places on each floor, occupied or intended to be occupied by one or more families." The health department served a notice requiring defendant to supply water, as commanded by the statute, in buildings owned by it. Defendant refused to do so, and an action was brought by the health department to compel compliance. Defendant contends in that case that the statute violates that provision of the State Constitution which declares that no member of this State shall "be deprived of life, liberty or property without due process of law." This court holds that the statute does not offend against the Constitution, but that it is a valid exercise of the police power; that the Legislature, by virtue of that power, can direct that improvements or alterations shall be made in existing houses at the owners' expense when it clearly appears that it tends in some plain and appreciable manner to guard and protect the public; and that a compensation need not be made to the owner in such case, the effect of the act being not to appropriate private property, but simply to regulate its use and enjoyment by the owner. Judge Peckham, writing the opinion of the court, says (p. 43): "Laws and regulations of a police nature, though they may disturb the enjoyment of individual rights, are not unconstitutional, though no provision is made for compensation for such disturbances. They do not appropriate private property for public use, but simply regulate its use and enjoyment by the owner."

*People v. Havnor* (149 N. Y. 195), is a case as near the border line, perhaps, as any to be found in this State—certainly very much nearer to it than the case under consideration. It exhaustively considers the authorities in this State bearing upon the police power. The case involves the constitutionality of what is known as the Sunday Barber Law, which makes it a misdemeanor

for any person to carry on the business or work of a barber on the first day of the week except in the city of New York and the village of Saratoga, where such business or work may be carried on until 1 o'clock in the afternoon of that day. The statute is held to be constitutional, because a valid exercise of the police power. The opinion is written by Judge Vann. After a careful examination of the authorities he presents the underlying question in this way (p. 201): "The vital question, therefore, is whether the real purpose of the statute under consideration has a reasonable connection with the public health, welfare or safety." After stating that the object of the act is to require the observance of Sunday, not as a holy day, but as a day of rest and recreation, he proceeds—with argument buttressed by authority in this State and in other jurisdictions—to answer the question in the affirmative. In the course of the argument he says (p. 203): "According to the common judgment of civilized men, public economy requires, for sanitary reasons, a day of general rest from labor, and the day naturally selected is that regarded as sacred by the greatest number of the citizens, as this causes the least inconvenience through interference with business. It is to the interest of the State to have strong, robust, healthy citizens, capable of self-support, of bearing arms, and of adding to the resources of the country. Laws to effect this purpose, by protecting the citizen from overwork and requiring a general day of rest to restore his strength and preserve his health, have an obvious connection with the public welfare. \* \* \* The statute under discussion tends to effect this result, because it requires persons engaged in a kind of business that takes many hours each day, to refrain from carrying it on during one day in seven. This affords an opportunity, recurring at regular intervals, for rest, needed both by the employer and the employed, and the latter, at least, may not have the power to observe a day of rest without the aid of legislation. \* \* \* As barbers generally work more hours each day than most men, the Legislature may well have concluded that legislation was necessary for the protection of their health."

The pertinency and controlling force of that argument to the question under consideration here will be manifest when we come to an examination of the statute.

No authorities can be found in this court which conflict with the cases to which I have called attention. Rogers' Case (166 N. Y. 1) is cited in opposition, but why I can not see. The police power is not even considered in that case. The defense to that portion of the statute which is condemned as unconstitutional because it requires a stipulation in all contracts with the State and municipalities that the contractor shall "pay the prevailing rate of wages at least," being rested on the ground (1) that the State as proprietor can do what an individual proprietor can do, namely, insist upon any reasonable provision in a contract as a condition for doing the work; (2) that the State is proprietor not only as to contracts for work for the benefit of the entire State, but also as to contracts for work authorized by it for the various subdivisions of the State made for convenience of administration; (3) that hence it violates no provision of the Constitution.

Having shown by an examination of a few of the leading authorities relating to the police power that the decisions of this court are in harmony with those of the United States Supreme Court, and having specially brought out some of the argument in those decisions for the purpose of presenting something of the vast scope of that power, we come next to the question, In what spirit should the court approach the consideration of a statute said on the one hand to offend against the Constitution, and on the other to be a proper exercise of the police power?

The courts are frequently confronted with the temptation to substitute their judgment for that of the Legislature. A given statute, though plainly within the legislative power, seems so repugnant to a sound public policy as to strongly tempt the court to set aside the statute, instead of waiting, as the spirit of our institutions require, until the people can compel their representatives to repeal the obnoxious statute.

In the early history of this country eminent writers gave expression to the fear that the power of the courts to set aside the enactments of the representatives chosen to legislate for the people would in the end prove a weak point in our governmental system, because of the difficulty of keeping the exercise of such great power within its legitimate bounds. So far in our judicial history it must be said that the courts have in the main been conservative in passing upon legislation attacked as unconstitutional, but occasionally, and especially when a case is one on the border line, it is quite possible that the judgment of the court that the legislation is unwise may operate to carry the decision to the wrong side of that border line. Certain it is that the courts have greatly extended their jurisdiction over many administrative acts that were originally supposed not to present cases for the court to pass upon, and in that way the courts have come to play a very important part in State and municipal administration. Some expression of our views on that subject is given in *Matter of Guden* (171 N. Y. 529, 535).

Now when considering the mental attitude with which the court should begin an examination of this question, it is well to have in mind not only the great breadth and scope of the police power, and the legislative control over it as expressed in some of the opinions from which we quote, *supra*, but it is also well to have in mind some of the expressions of this court as to the way in which the court should approach the consideration of such a question as this, involving the constitutionality of a statute.

Judge Andrews says, in *People v. King* (110 N. Y. 418, 423): "By means of this power the Legislature exercises a supervision over matters affecting the common weal. \* \* \* It may be exerted whenever necessary to secure the peace, good order, health, morals and general welfare of the community, and the propriety of its exercise within constitutional limits is purely a matter of legislative discretion with which courts can not interfere."

Judge Gray says, in *Nechamcus Case*, *supra*: "The courts should always assume that the Legislature intended by its enactments to promote those ends (public health, comfort and safety), and if the act admits of two constructions, that should be given to it which sustains it and makes it applicable in furtherance of the public interests." (144 N. Y. 529, 536).



"Whether the legislation is wise is not for us to consider. The motives actuating and the inducements held out to the Legislature are not the subject of inquiry by the courts, which are bound to assume that the law making body acted with a desire to promote the public good. Its enactments must stand, provided always that they do not contravene the Constitution; and the test of constitutionality is always one of power—nothing else. But in applying the test the courts must bear in mind that it is their duty to give the force of law to an act of the Legislature whenever it can be fairly so construed and applied as to avoid conflict with the Constitution." *Bohmer v. Haffen* (161 N. Y. 390, 399).

Where there "is room for two constructions, both equally obvious and reasonable, the court must, in deference to the Legislature of the State, assume that it did not overlook the provisions of the Constitution, and designed the act \* \* \* to take effect. Our duty, therefore, is to adopt the construction which, without doing violence to the fair meaning of the words used, brings the statute into harmony with the provisions of the Constitution." (*Supervisors v. Brodger*, 112 U. S. 261, 268; *People ex rel. Burrows v. Supervisors of Orange Co.*, 17 N. Y. 236, 241; *People ex rel. Bolton v. Albertson*, 55 N. Y. 50, 54; *Matter of Gilbert El. Ry Co.*, 70 N. Y. 361, 367; *Matter of N. Y. & L. I. Bridge Co. v. Smith*, 148 N. Y. 540, 551.)

The court is inclined to so construe the statute as to validate it. (*People v. Equitable Trust Co.*, 96 N. Y. 387, 394; *People ex rel. Sinkler v. Terry*, 108 N. Y. 1, 7; *Matter of N. Y. El. R. R. Co.*, 70 N. Y. 327, 342; *People ex rel. Killeen v. Angle*, 109 N. Y. 564, 567; *Rogers v. Common Council of Buffalo*, 123 N. Y. 173, 181; *People ex rel. Carter v. Rice*, 135 N. Y. 473, 484).

"Every act of the Legislature must be presumed to be in harmony with the fundamental law until the contrary is clearly made to appear." (*People ex rel. Kemmler v. Durston*, 119 N. Y. 569, 577).

"Before an act of the Legislature can be declared void as repugnant to the Constitution, the conflict must be manifest." (*Matter of Stilwell*, 139 N. Y. 337, 341.)

"If the act and the Constitution can be so construed as to enable both to stand, and each can be given a proper and legitimate office to perform, it is the duty of the court to adopt such construction." (*People v. Rosenberg*, 138 N. Y. 410, 415.)

The statute under consideration in that case is held to be within the police power, as is the statute considered in the following case:

"It is not necessary to the validity of a penal statute that the Legislature should declare on the face of the statute the policy or purpose for which it was enacted." (*People v. West*, 106 N. Y. 293, 297.)

Having considered the authorities bearing upon the subject of the exercise of police power at greater length than could be justified were it not for the different view that obtains in this court as to the authority of the Legislature to pass the statute in question, and having glanced at a few authorities indicating the frame of mind in which the court should approach the consideration of the question of the constitutionality of an act of the Legislature—we come to the consideration of the statute in question, aided

by the principles established by the United States Supreme Court and the courts of this State, to which reference has been made.

I quote the whole statute, notwithstanding its length, in order that it may be at once determined upon its mere reading whether the purpose of the Legislature was to subserve, in some measure, the public good under the police power of the State.

#### "ARTICLE VIII.

##### "BAKERIES AND CONFECTIONERY ESTABLISHMENTS.

"§ 110. *Hours of labor in bakeries and confectionery establishments.*—No employee shall be required or permitted to work in a biscuit, bread or cake bakery or confectionery establishment more than sixty hours in any one week, or more than ten hours in any one day, unless for the purpose of making a shorter work day on the last day of the week; nor more hours in any one week than will make an average of ten hours per day for the number of days during such week in which such employee shall work.

"§ 111. *Drainage and plumbing of buildings and rooms occupied by bakeries.*—All buildings or rooms occupied as biscuit, bread, pie or cake bakeries, shall be drained and plumbed in a manner conducive to the proper and healthful sanitary condition thereof, and shall be constructed with air shafts, windows or ventilating pipes, sufficient to insure ventilation. The factory inspector may direct the proper drainage, plumbing and ventilation of such rooms or buildings. No cellar or basement, not now used for a bakery shall hereafter be so occupied or used, unless the proprietor shall comply with the sanitary provisions of this article.

"§ 112. *Requirements as to rooms, furniture, utensils and manufactured products.*—Every room used for the manufacture of flour or meal food products shall be at least eight feet in height and shall have, if deemed necessary by the factory inspector, an impermeable floor constructed of cement, or of tiles laid in cement, or an additional flooring of wood properly saturated with linseed oil. The side walls of such rooms shall be plastered or wainscoted. The factory inspector may require the side walls and ceiling to be whitewashed, at least once in three months. He may also require the wood work of such walls to be painted. The furniture and utensils shall be so arranged as to be readily cleansed and not prevent the proper cleaning of any part of the room. The manufactured flour or meal food products shall be kept in dry and airy rooms so arranged that the floors, shelves and other facilities for storing the same can be properly cleaned. No domestic animals, except cats, shall be allowed to remain in a room used as a biscuit, bread, pie, or cake bakery or any room in such bakery where flour or meal products are stored.

"§ 113. *Wash-rooms and closets; sleeping places.*—Every such bakery shall be provided with a proper wash-room and water-closet or water-closets apart from the bake-room, or rooms where the manufacture of such food product is conducted, and no water-closet, earth-closet, privy or ashpit shall be within or connected directly with the bake-room of any bakery, hotel or public restaurant.

"No person shall sleep in a room occupied as a bake-room. Sleeping places for the persons employed in the bakery shall be separate from the rooms where flour or meal food products are manufactured or stored. If the sleeping places are on the same floor where such products are manufactured, stored or sold, the factory inspector may inspect and order them put in a proper sanitary condition.

"§ 114. *Inspection of bakeries.*—The factory inspector shall cause all bakeries to be inspected. If it be found upon such inspection that the bakeries so inspected are constructed and conducted in compliance with the provisions of this chapter, the factory inspector shall issue a certificate to the persons owning or conducting such bakeries.

"§ 115. *Notice requiring alterations.*—If, in the opinion of the factory inspector, alterations are required in or upon premises occupied and used as bakeries, in order to comply with the provisions of this article, a written notice shall be served by him upon the owner, agent or lessee of such premises, either personally or by mail, requiring such alterations to be made within sixty days after such service, and such alterations shall be made accordingly."

That the public generally are interested in having bakers' and confectioners' establishments cleanly and wholesome in this day of appreciation of, and apprehension on account of, microbes, which cause disease and death, is beyond question. Not many years ago the baking was largely done in the family; but now in a large percentage of the houses in cities and villages

the baker is relied on to a large extent to furnish bread, biscuits, cake and pie, as well as confectionery, while over many country roads the bakers' wagons go twice a week or more to supply the farmers and inhabitants of small settlements with their wares. Indeed it can be safely said that the family of to-day is more dependent upon the baker for the necessities of life than upon any other source of supply. That being so it is within the police power of the Legislature to so regulate the conduct of that business as to best promote and protect the health of the people. And to that end the Legislature undertakes to provide—by a statute which bears on its face evidence of an intelligent draftsman acquainted with the dangers of unsanitary conditions in such establishments—for proper drainage and plumbing of the building and rooms occupied for such purpose.

Is there room to doubt that the sole purpose of the Legislature in prohibiting the use of cellars for bakeries unless the occupant first complies with the sanitary provisions of this article is to protect the public from the use of the food made dangerous by the germs that thrive in darkness and uncleanness? Is it possible that any one can question that the sole purpose of the Legislature is the safeguarding of the public health when it provides for floors, ceilings and sidewalls of such material as that they may be readily cleansed; compels the keeping of flour or meal food products in dry and airy rooms, so arranged that the storing facilities can be properly cleaned, and prohibits the keeping of domestic animals within such rooms? And will any one question the motive which induced the prohibition of a "water-closet, earth-closet, privy or ashpit \* \* \* within or connected directly with the bake-room of any bakery, hotel or public restaurant?" If not, why should any one question the object of the Legislature in providing in the same article and as a part of the scheme that "No employee shall be required or permitted to work" in such an establishment "more than sixty hours in any one week," an average of ten hours for each working day. It is but reasonable to assume from this statute as a whole that the Legislature had in mind that the health and cleanliness of the workers, as well as the cleanliness of the work-rooms, was of the utmost importance, and that a man is more likely to be careful and cleanly when well, and not overworked, than when exhausted by fatigue, which makes for careless and slovenly habits, and tends to dirt and disease.

If there is opportunity—and who can doubt it—for this view, then the Legislature had the power to enact as it did, and the courts are bound to sustain its action as justified by the police power, as we see from the authorities referred to earlier in this opinion.

I hear but one argument advanced for the purpose of convincing the mind that the object of this statute is not to protect the public, and that argument is that Article VIII is to be found in the Labor Law. Therefore, it is said it is a labor law, not a health law.

The question presented by that argument is, Does the label or the body of the statute prevail? Does calling a statute names deprive it of its intended and real character? If a statute relating principally to banking

happens, in the course of codification, to be incorporated as an article in the General Corporation Law, does it cease to operate on the banking business? I submit without argument that the questions answer themselves.

Assuming, however, for the purpose of argument only, that the label is of such substantial importance that it may be accepted as against the obvious meaning of the statute, then I say that Article VIII bears its own title, which is: "Bakeries and Confectionery Establishments." All that is contained in that article relates to bakeries and confectionery establishments and their conduct, and to no other subject whatever. Therefore, it is fully, appropriately and harmoniously entitled.

Again, inasmuch as it is obvious, as we have seen, from a mere reading of the statute, that the legislative purpose is to benefit the public, we must assume—even if the object of the Legislature in limiting the hours of work of employees is not to protect the health of the general public, who take the wares made by such employees—that the Legislature intends to protect the health of the employees in such establishments; that, for some reason sufficient to it, it has reached the conclusion that in work of this character men ought not to be employed more than an average of ten hours a day. Now that being so—and certainly no more restricted view of that statute can be taken by those who would destroy it—we find that the action of the Legislature is within the police power not only under the authorities of the United States, but of this State, and of this court.

Special attention has already been called to Holden's Case (169 U. S. 366). A Utah statute making it a misdemeanor to employ a man more than eight hours per day in "underground mines or workings" is sustained, and a conviction thereunder upheld, by the United States Supreme Court, on the ground that it is within the police power of the State to pass such a statute. That interesting case—to which I have made extended reference *supra*—is in point and controlling so far as the fourteenth amendment is concerned, and should be controlling in this court so far as equivalent provisions of our State Constitution are concerned.

It must also be held, under the authority of Havnor's Case (*supra*)—even though it may be assumed from the reading of the statute that the object of the Legislature is to protect employees in such establishments from working more than ten hours a day—that it is within the police power, and, therefore, not repugnant to the State Constitution. The statute which that case passes upon makes it a misdemeanor to carry on the business of a barber on the first day of the week, and a judgment of conviction under that law is affirmed in this court because "The statute under consideration has a reasonable connection with the public health, welfare or safety." Certainly if this court could so hold in that case it must so hold in this, even under the construction of the statute which those would give to it who are affected by the fact that Article VIII, chapter 32, General Laws, is grouped with twelve other articles, the compilation being known as the Labor Law, instead of being in the Domestic Law with articles entitled, Flour and Meal, Beef and Pork, or in the Public Health Law with articles such as Adulteration, Practice of Medicine or the like.

Again many medical authorities classify workers in bakers, or confectioners' establishments with potters, stone cutters, file grinders and other workers whose occupation necessitates the inhalation of dust particles, and hence predisposes its members to consumption. The published medical opinions and vital statistics bearing upon that subject *standing alone* fully justify the section under review as one to protect the health of the employees in such establishments, and it is the duty of this court to assume that the section was framed not only in the light of, but also with full appreciation of the force of the medical *authority* bearing upon the subject—authority which reasonably challenges the attention, and stimulates the helpfulness of the philanthropist.

The conclusion necessarily follows, therefore, from an examination of the statute in the light of the authorities cited, that the purpose of Article VIII, and every part of it, including the provision in question, is to benefit the public; that it has a just and reasonable relation to the public welfare, and hence is within the police power possessed by the Legislature. But if, in violation of the duty of the court as stated in *Brodger's Case (supra)*—which is "to adopt the construction which, without doing violence to the fair meaning of the words used, brings the statute into harmony with the provisions of the Constitution"—we award to the title of a general law such potency as causes it to overcome both the title and the provisions of an article therein, thus making the provision a labor law, we are still required to hold that it is within the police power.

The judgment should be affirmed.

#### OPINION OF JUDGE GRAY.

I shall concur with the chief judge; whose opinion I regard as carefully expressed and convincing in its reasoning. The question for us is, in the first place, whether, notwithstanding its embodiment in the Labor Law, we may treat the statutory provision, in question, as a health law and, in the next place, if we may do so, whether its enactment is a reasonable exercise of the police power of the State, which the courts should give effect to. I am of the opinion that its being placed in the Labor Law furnishes no adequate reason for limiting its reading and construction by those considerations, which appertain to laws passed, strictly, in the interest of labor; if, from its association with other provisions, in *pari materia*, a different and independent purpose is disclosed. To deprive a health law of its intended operation, because it is not found in the statute book under that, or a kindred, title, would be, in my opinion, to apply an unreasonable and an unsatisfactory test to its validity. If the court concludes that the intent of an enactment in some valid exercise of the police power is to regulate some particular trade, or occupation, then, clearly, it should be quite immaterial under what heading it appears to be classified in the statutes. It would not do to nullify the will of the people upon so technical and narrow a consideration. Therefore, I think we may proceed, beyond that ground, to the determination of the question whether, if a health law, the 110th

section of this Article VIII was reasonable and, therefore, a valid exercise of the police power. If it stood alone, unaccompanied and unexplained by cognate provisions, I should incline to the view that the enactment was unconstitutional. It might, justly, be held to fall within that class of legislation, which has received judicial condemnation; because, as a regulation of the hours of the employed, its object would appear to be for their protection against the exaction of a disproportionate amount of work for the wages paid. That would be to infringe upon the liberty of contract. But I think we must read the section in connection with those sections which immediately follow, and then it is that we find it to be made certain that the object of the legislative enactment had relation to the conservation of the public health. We perceive that the Legislature is dealing with the workings of a business conducted upon a scale, calling for the employment of more or less laborers, and which is affected by a public interest, in the sense that the food product may sensibly depend for its healthfulness upon the observance of sanitary rules and precautions. Such precautionary regulations may involve, as well, the establishment of proper conditions to insure the maintenance of the normal vitality of the workman, as the wholesomeness of the general environment. We must presume that the legislative body was animated by a reasonable intention to promote the public welfare and if the courts can give effect to it, because tending to guard the public health, they should, unhesitatingly, do so. Legislation will not be allowed, arbitrarily, to interfere with the personal liberty of the citizen, under the specious guise of an exercise of the police power, and therefore it is, that our courts may supervise, as a judicial question, a determination of the Legislature to exercise the police power in restraint of some trade, or calling. It is true that the tendency has been growing in the direction of an excess of paternalism in government and that the courts of this and of other States have, rather, hastened to uphold legislative interference with the pursuits of citizens, upon any plausible pretext of its being in furtherance of the general welfare. The Federal Supreme Court has, in the broadest terms, recognized the power of the individual States to exercise a police power of internal regulation; when the object is to promote by reasonable laws the public safety, health and comfort. To the legislative body is conceded the power to govern men and the affairs of men, through the establishment of such rules and regulations as may be conducive to the public betterment, because tending to the protection of the lives, health and comfort of persons and the protection of property, and that concession has been, in my opinion, at times, more broadly made in the decisions of the courts, than the conservative spirit of our democratic form of government will justify. But that the Legislature has, and should have, the broadest authority to exercise a police power of internal regulation, in the direction of protecting the peace, the safety and the health of the community I fully concede. In this law, which restricts the working hours of employees in bakery and confectionery establishments, I think we may, fairly, perceive a statutory regulation, reasonably promotive of the public health, because compelling the

master of such an establishment to conduct it in a manner, the least capable of affecting his product prejudicially. We may, not unreasonably, assume that an employee may work too long for his health under the conditions, and that an impaired vitality and the possible development of organic diseases may be the result. If, to obviate the possible consequences to the consumer of the food manufactured, the Legislature determines to interfere, by limiting, among other regulations, the hours of the workman, I do not think we should hold the interference to be without reason.

#### OPINION OF JUDGE VANN.

I concur in the result reached by the chief judge, for the following reasons:

The power of the Legislature to pass what it may consider "health laws" is not unlimited, but is bounded by the duty of the courts to determine whether the act has a fair, just and reasonable relation to the general welfare. (Matter of Jacobs, 98 N. Y. 98, 108; People v. Gillson, 109 N. Y. 389, 401; People v. Havnor, 149 N. Y. 195, 200).

As was said by the court in the Gillson case: "Under an exercise of the police power the enactment must have some relation to the comfort, the safety, or the welfare of society, and it must not be in conflict with the Constitution. The law will not allow the rights of property to be invaded under the guise of a police regulation for the protection of health, when it is manifest that such is not the object and purpose of the regulation. \* \* \* It is generally for the Legislature to determine what laws and regulations are needed to protect the public health and serve the public comfort and safety and if its measures are calculated, intended, convenient or appropriate to accomplish such ends, the exercise of its discretion is not the subject of judicial review."

We have before us simply that part of the Labor Law which regulates the hours of labor in bakeries and confectionery establishments by limiting them to not exceeding sixty per week and ten per day, "unless for the purpose of making a shorter work day on the last day of the week."

The draftsman of this statute apparently used as a model "The Bakehouse Regulation Act" passed by the English Parliament in 1863, but he went far beyond that pattern in limiting the hours of labor, for the New York statute applies to all employees in bakeries, while the English act makes no regulation of hours per day or week, but simply prohibits the employment of persons under eighteen years of age between nine at night and five in the morning. (26-27 Victoria, cap. 40.) Both acts contain similar provisions to secure cleanliness and ventilation of the rooms used to carry on the business, as well as the separation of sleeping apartments therefrom, none of which are now called in question.

I do not think the regulation in question can be sustained, unless we are able to say from common knowledge that working in a bakery and candy factory is an unhealthy employment. If such an occupation is unhealthy the Legislature had the right to prohibit employers from requiring or per-

mitting their employees to spend more than a specified number of hours per day or week in the work, because such a command would be in the interest of the public health and would promote the general welfare. As in the Jacobs case we took judicial notice of the nature and qualities of tobacco (p. 113), so in this case we may take judicial notice of the effect of very fine particles of flour and sugar when inhaled into the lungs from the heated atmosphere of manufactories of bread and candy. Necessarily in considering the subject we may resort to such sources of information as were open to the Legislature.

Vital statistics show that those vocations which require persons to remain for long periods of time in a confined and heated atmosphere filled with some foreign substance, which is inhaled into the lungs, are injurious to health and tend to shorten life. Bakers and confectioners, who, during working hours, constantly breathe air filled with the finest dust from flour and sugar, have a tendency to consumption, the most terrible scourge known to modern civilization and resulting in more deaths than any other disease. (1 People's Cyc. 479; Mulhall's Dict. Statistics, 193 and 683.)

Thus in the article on phthisis in volume 18 of the last edition of the *Encyclopædia Britannica* it is said: "Occupations which necessitate the inhalation of irritating particles, as in the case of stone masons, needle grinders, workers in minerals, in cotton, flour, straw, etc., are especially hurtful, chiefly from the mechanical effects upon the delicate pulmonary tissues of the matter inhaled. No less prejudicial are occupations carried on in a heated and close atmosphere, as is often the case with compositors, goldbeaters, sempstresses, etc."

So in Alden's *Encyclopædia*, vol. 9, title consumption, the following occurs: "Often the workshops of tailors, printers, bakers and other businesses carried on in close, ill-ventilated apartments by large numbers of working people are nurseries of consumption."

We quote from a few more out of many authorities to the same effect. "It is certain that much might be done to improve the public health in this respect by more attention on the part of employers of labor to the comfort and habits of those who are, in more senses than one, their 'hands' and the sources of their prosperity. A certain kind of improvement has, indeed, been already effected by the improved living of the working classes during the last twenty years. Still it is well known and proved by careful inquiries that the workshops of tailors, printers, bakers and other businesses carried on in close, ill-ventilated apartments, by large numbers of workmen are, in a very aggravated sense, nurseries of consumption. \* \* \* The cutters and needle-grinders of Sheffield appear to owe their notoriously short lives to consumption brought on by the inhalation of metallic particles in the close and strifling atmosphere of their workshops. \* \* \* Even admitting, therefore, that the causes of consumption may be in part practically irremovable, there seems no reason to doubt that very much might be done to diminish its prevalence, as well as to arrest its course when already formed, by due attention to the comfort of the laboring population, both in their dwellings and in the pursuit of their occupations." (4 *International Cyclopædia*, 286.)



"Particular occupations predispose (to consumption), especially such as occasion constant inhalation of small particles." (2 Johnson Cyclopædia, 488.)

"Thus tailors, seamstresses and similar workers are especially prone to the disease. More especially is this true of occupations whose performance necessitates the inhalation of dust particles. \* \* \* The dust particles act as irritants of the fine structures which line the air passages and vessels, inducing chronic changes, which, in turn, are liable to lead to consumption." (3 Chambers Encyclopædia, 438.)

"The bacillus of tuberculosis finds, indeed, the most favorable conditions for its existence in the squalor of congested slums, in the foul atmosphere of dusty workshops, in close courts, alleys, etc." (70 Fortnightly Review, 308.)

"A very large number of the most efficient workmen employed in quarries, metal works, cotton and wool manufactories, print trades and many other occupations exposing them to bad air and dust fall victims to this infection." (104 Edinburgh Review, 444.)

"Since statistics still show that the mortality from phthisis in people who follow certain trades is much greater than in others, there can be no doubt of the causal relationship between occupation and pulmonary disease and of dust being the *causa causans*. \* \* \* In 1866 it was demonstrated that \* \* \* two kinds of occupation had long been recognized as hurtful, viz.: 1, those that give rise to mechanical or chemical irritation of the air passages by dust, grit or fluff being diffused through the atmosphere; 2, those in which the operatives are exposed to abrupt changes of temperature." (The Lancet, vol. 185, p. 1345.)

"Living in a close atmosphere and in a high temperature, bakers are subject to lung diseases, more especially phthisis." (5 Reference Handbook of Medical Science, 276.)

"Those engaged in carding of cotton and workers in flax, hemp, tobacco and flour, and chaff cutters suffer in the same manner, but to a less degree than such as are compelled to inhale more decidedly irritating particles." (Fowler & Godlee's Diseases of the Lungs, 272.)

"Dusty occupations, as in the case of millers, bakers, knife-grinders, stone-masons, and the like, are fraught with special dangers to vulnerable persons." (5 Allbutt's System of Medicine, 229.)

"The inhalation of impure air in occupations associated with a very dusty atmosphere renders the lungs less capable of resisting infection." (Osler's Practice of Medicine, 269.)

"Dusty occupations make people prone to disease. The statistics of Berlin as to street-cleaners, cabmen, coal workers and miners show this." (35 Journal Am. Med. Assn. 1028.) "The question as to what business had best be carried on by tuberculosis patients is treated of by Ambler. \* \* \* The butchers, he thinks, generally possess an immunity, at least that has been his experience, but bakers are particularly susceptible." (37 id. 1068.)

"Other vegetable dusts of less potency, which are little less injurious in results than mineral dusts, are flour and starch, which seem to operate

rather by obstruction than by irritation. Bakers, confectioners and pastry cooks represent a body of tradesmen exhibiting hygienic conditions of a common character, the principal of which are exposure to heat from the ovens, dust, steam, variations of temperature, in too many instances unhealthy bakehouses, fatiguing movements necessitated where kneading is done by hand, disagreeable emanations from materials used, prolonged hours of work, more or less night work, and loss of rest. To these evils of their trade the working bakers often add intemperance and irregular living. My own senses also make me conscious of a disagreeable, sickly smell much like that of heated bones, superadded to the steam and other fumes. There are, in brief, many incidents in the occupation of baking which reduce vital energy, predispose to lung affections and shorten life." (*Arlige Diseases of Occupations*, 255.)

The occupations of ropemakers, carpetmakers, bakers, etc., "being essentially dust-producing processes, they one and all induce among workers excessive suffering from pulmonary affections. Although the mortality of these workers from phthisis and other lung diseases is considerably below that of metal workers, nevertheless it is in every case inordinately high, exceeding the mortality of agriculturists by proportions varying from 77 to 120 per cent." (*Latham's Register-General's Report*, 148.)

According to the data presented by Dr. C. Moeller in his work on *Hygiene of the Baker Industry* (p. 295): "of bakers dying between the ages of 45 and 65, twenty-five per cent died from chronic bronchitis or related diseases." He points out "the persistency of the flour dust and starchy particles in the bronchial tubes, and even in the lungs" by quoting a medical authority to the effect "that even two and half weeks after leaving the employment, starchy particles and other evidences of flour dust had been found in the expectoration of bakers examined."

According to the tables of comparative mortality in the Federal census of 1900, the number of deaths among bakers and confectioners was three and two-tenths per cent greater than the average of general industrial occupations. These tables are somewhat favorable to bakers between the ages of 15 and 44, but are unfavorable to them between the ages of 45 and over, the average being as stated above. (See, also, 1 Parke's *Manual of Practical Hygiene*, 133; 62 *Medical Record*, 334; *Medical Examiner and Practitioner*, Nov. 1902, tit. *Occupations*; Id. July, 1901, tit. *Occupation as affecting the Death Rate*.)

The heaviest death rate in England falls to cabdrivers, painters, printers, tailors and bakers. (*Mulhall's Dictionary of Statistics*, 195.) Statistics relating to thirty-nine trades in England and Wales show that more bakers have consumption than the average of those engaged in other vocations, and the table of male mortality in Paris shows higher death rate among bakers than in all but five out of twenty of the common callings of life. (Id. 688.)

While the mortality among those who breathe air filled with minute particles of flour is less than among those who work in stone, metal or clay, still it seems to be demonstrated that it is greater than in avocations

generally. The dust-laden air in a baker's or confectioner's establishment is more benign and less liable to irritate than particles of stone or metal, hence, while bakers are classed with potters, stone masons, file grinders, etc., still they are regarded as less liable to pulmonary disease than other members of the class. The evidence while not uniform leads to the conclusion that the occupation of a baker or confectioner is unhealthy and tends to result in diseases of the respiratory organs. As statutes are valid which provide that women or children shall not be employed in any manufacturing establishment more than a certain number of hours in a single day, so I think an act is valid which provides that in an employment which the Legislature deems, and which is in fact, to some extent detrimental to health, no person, regardless of age or sex, shall be permitted or required to labor more than a certain number of hours per day or week. Such legislation, under such circumstances, is a health law and is a valid exercise of the police power.

I vote for affirmance.

#### DISSENTING OPINION OF JUDGE O'BRIEN.

The defendant was convicted of a misdemeanor under one of the subdivisions of section 384 of the Penal Code, in that he violated article eight, section 110, chapter 415 of the Laws of 1897, known as the Labor Law. The indictment charges that on the 21st day of December, 1899, he was arrested upon the complaint of one of his employees for violating the law in *permitting* the employee to work in a bakery more than sixty hours in one week; that he was convicted in the City Court and fined twenty dollars, or in default thereof stand committed to the county jail for twenty days, and that he paid the fine; that after such conviction the defendant "*wrongfully, unlawfully and knowingly, with intent on his part to violate the law, permitted and required*" another employee named to work more than sixty hours in one week during the week commencing April 19th and ending April 26th, 1901, in the defendant's biscuit, bread and cake bakery and confectionery establishment, thereby committing a misdemeanor as a second offense, contrary to the form of the statute in such case made and provided and against the peace of the People of the State of New York and their dignity.

The defendant demurred to the indictment on two grounds: (1) That more than one crime was charged; and (2) that the facts stated do not constitute a crime. The local court overruled the demurrer, and no plea having been interposed by the defendant the allegations of the indictment were taken as true, under section 330 of the Code of Criminal Procedure, and judgment of conviction was entered and the defendant sentenced to pay a fine of fifty dollars, or stand committed to the county jail until the fine was paid, not to exceed fifty days. The judgment was affirmed at the Appellate Division by a divided court, and from this judgment the defendant has appealed to this court, and the appeal brings up for review all the questions raised by the demurrer to the indictment.

#### FOURTH ANNUAL REPORT—LABOR LEGISLATION IN 1904. I.131

The statute upon which the judgment rests is to be found in the Penal Code (§ 384-1) and reads as follows: "Any person who violates or does not comply with \* \* \* the provisions of article eight of the Labor Law, relating to bakeries and confectionery establishments, the employment of labor and the manufacture of flour or meal food products therein \* \* \* is guilty of a misdemeanor and upon conviction shall be punished for a first offense by a fine of not less than twenty nor more than one hundred dollars; for a second offense by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred and fifty dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment."

It will be seen that this section of the Penal Code does not specify the acts or omissions which are made crimes, nor does it in any appropriate terms define the crime at all, but refers for that purpose to another law. When we turn to article eight of the Labor Law, referred to above, we find that it contains six separate sections, commanding certain things and prohibiting certain things. The particular section which the indictment charges to have been violated by the defendant is the first section of the article, or section 110, and that reads as follows: "No employee shall be required or permitted to work in a biscuit, bread or cake bakery or confectionery establishment more than sixty hours in any one week, or more than ten hours in any one day, unless for the purpose of making a shorter work day on the last day of the week; nor more hours in any one week than will make an average of ten hours per day for the number of days during such week in which such employee shall work." While this section of the Labor Law does forbid certain things, no penalty whatever is attached to a violation, and, therefore, in order to get a definition of the particular crime charged in the indictment we must examine two general statutes upon different subjects; that is to say, we must read the Penal Code for the penalty or the punishment, and we must read the Labor Law in order to ascertain the particular act or omission which constitutes the crime.

One of the grounds of the demurrer is that the indictment charges two crimes. It will be seen that two things or two acts or omissions have been forbidden by the statute; it forbids the master from either permitting or requiring the servant to work more than the time specified in the statute. Assuming for the present that the statute is valid, it makes it a crime for the master to permit the servant to work over the statutory time; and it also makes it a crime for him to require or compel the servant to so work. The two acts or omissions inhibited by the statute are essentially different in nature and character. It is one thing to permit the servant to work; it is quite another thing to compel or require it. Permitting him to work more than the ten hours might be intentional or involuntary. Compelling or requiring him to work would be a deliberate act on the part of the master in violation of the statute. In the one case the punishment might very well be nominal; in the other case it would necessarily have to be

substantial, and, hence, it would seem that two acts or omissions so essentially different in nature and character and each constituting a crime in itself could not properly be united in the same charge, and in this view the objection that more than one crime is stated in the indictment is good.

But the objection was also made that the acts or omissions stated in the indictment do not constitute a crime, and this objection raises the question as to the validity of the statute and is of much more importance than the form or substance of the indictment. It will be seen from an examination of the law that there is no prohibition against the act of the servant himself in working longer than the statutory time. He may work as many hours as he likes during the day and he violates no law and commits no offense whatever. So the broad question is whether a statute which makes it a crime for the master to permit his servant to do what the servant has a perfect right to do can be a valid law. No restrictions are imposed upon the servant with respect to the hours of labor or otherwise. As already remarked, he has a perfect right to work as many hours in a day or week as he may want to, but the master must see to it, at the peril of committing a crime, that his servants are driven out of the building the moment the clock registers the requisite ten hours, and that, too, without regard to the conditions and circumstances affecting the business or the interests of the master. It is a crime for the master to require or permit his servant to work over the statutory time, no matter how willing or even desirous the servant may be to earn extra compensation for overwork. The master is forbidden to contract with his servant for longer hours and extra pay, no matter what may be the wants or necessities of the business, or the judgment or will of the servant with respect to such a contract. It is obviously one of those paternal laws, enacted doubtless with the best intentions, but which in its operation must inevitably put enmity and strife between master and servant. They are not left free to make their own bargains in their own way, but their mutual interests are governed by statute.

The sweeping character of the legislation in question may be illustrated by a reference to the last section of the article of the Labor Law referred to in the indictment; that is to say, to section 115. It is there enacted as follows: "If, in the opinion of the factory inspector, alterations are required in or upon premises occupied and used as bakeries, in order to comply with the provisions of this article, a written notice shall be served by him upon the owner, agent or lessee of such premises, either personally or by mail, requiring such alterations to be made within sixty days after such service, and such alterations shall be made accordingly." There is no penalty for a failure to observe this law in the law itself, but when we look into the amendments of the Penal Code we find that the owner of a valuable building used as a bakery may be at the mercy of the factory inspector, since, if it happens that the rooms are less than eight feet in height, he must tear it down and rebuild it, if the factory inspector so requires it, or be subject to a criminal prosecution, fine and imprisonment down to the third offense, and possibly so long as the orders of the inspector are not carried out. It

is quite inconceivable that the Legislature understood, when enacting the amendments to the Code by reference to another law, that its action would have such sweeping effect or confer such arbitrary powers upon a ministerial officer that affected the liberty and the property of the individual.

It is contended in behalf of the defendant that the law under which he was convicted violates section 1 of article 14 of the Constitution of the United States, which prohibits any State from making or enforcing any law which shall deny to any person within its jurisdiction the equal protection of the law, and those provisions of the Constitution of this State which enact that no member of this State shall be disfranchised or deprived of any of the rights or privileges, secured to any citizen thereof, unless by the law of the land and the judgment of his peers, nor be deprived of life, liberty or property without due process of law. (Const. art. 1, §§ 1, 6.) The words "law of the land" do not mean an act of the Legislature passed for the very purpose of working the wrong. The meaning is that no person shall be deprived of any of the rights or privileges secured to him by the Constitution, unless the matter shall be adjudged against him upon a trial had according to law. It cannot be done by mere legislation. (*Taylor v. Porter*, 4 Hill, 140; *White v. White*, 5 Barb. 474; *People v. Toynbee*, 20 Barb. 198; *Wynehamer v. People*, 13 N. Y. 378; *People ex rel. Warren v. Beck*, 144 N. Y. 237; *People ex rel. Rodgers v. Coler*, 166 N. Y. 1; *People v. Orange County Road Const. Co.*, 175 N. Y. 84.) The doctrine of these cases condemns the legislation in question as an invasion of the rights, liberties and property of the citizen. The three cases last cited grew out of the same law that is violated in the case at bar, or similar laws, and they cannot be distinguished from it in principle.

The Labor Law excludes from its regulations and restrictions all persons engaged in farm work or domestic service (Art. 1, § 3) and, hence, a very large proportion of the people of the State who labor for a living are not affected by it at all. Why this large class of wage earners who toil for a livelihood are excluded from the benefits of the statute, and those who employ them exempt from its burdens and restrictions, it is difficult to conceive. The farmers and that large class of people both in the city and in the country who employ domestics may require them to work any number of hours without violating any law. They commit no crime by requiring their servants to work from daylight till after dark or even into the night. The section of the law upon which the conviction in this case is based is aimed at a very small class of persons, namely, those who conduct "a biscuit, bread or cake bakery or confectionery establishment." Work of the same general character is exacted from cooks and domestic servants in practically all the private houses in the land and to a great extent in hotels, restaurants and other public places. It would be absurd to say that all, or even the greater part of the biscuit, bread, cake and confectionery consumed in this State comes from what are called bakeries. The law does not even apply to bakers in the small towns and villages who do their own work. It applies only to bakers who find it necessary to employ labor, and they alone

are subjected to criminal prosecution in case they *permit* the servant to work more than ten hours in a day, even though the servant is willing and is given extra compensation. The baker is forbidden, under the penalty of fine and imprisonment, to contract or agree with his servant upon the hours of labor in such way as would be mutually beneficial, but his business is practically regulated by statute. If for any reason he suffers or permits his servant to work an additional half-hour beyond the statutory time his liberty and his property are put at the mercy of the servant, who may procure him to be arrested and imprisoned. It does not appear from the record in this case, or in any other way, that there is anything in the business or vocation of a baker that would authorize the Legislature to impose such criminal penalties upon him for permitting his servant to work more than ten hours in the day, or to restrict his freedom of contract, which is a right enjoyed by all other employers of labor. The guaranties of the Constitution may be invaded without any physical interference with the person or property of the citizen. He is deprived of his property within the meaning of the Constitution when arbitrary and unnecessary restrictions are imposed upon his conduct of any lawful business, and when he is deprived of the right to make contracts for the transaction thereof. Liberty, in its broad sense, means the right, not only of freedom from actual restraint of the person, but the right of such use of his faculties in all lawful ways, to live and work where he will, to earn his livelihood in any lawful calling, and to pursue any lawful trade or avocation. All laws, therefore, which impair or trammel those rights or restrict his freedom of action, or his choice of methods in the transaction of his lawful business, are infringements upon his fundamental right of liberty, and are void. (Matter of Jacobs, 98 N. Y. 98.) They cannot and should not escape the scrutiny of the courts merely because they are made to assume, by argument or otherwise, the guise of police regulations.

The statute in question deprives the defendant of the equal protection of the law, since it enacts that certain acts or omissions on his part concerning the conduct of his business and his relations to his own servants are crimes and punished criminally, which, as to all the rest of the community not within the terms of this law, are entirely innocent. The very small fraction of the community who happen to conduct bakeries, or confectionery establishments, are prohibited, under pain of fine and imprisonment, from regulating the conduct of their own business by contracts or mutual agreements with their employees, whereas all the rest of the community who find it necessary to employ labor in private business may do so. Class legislation of this character which discriminates in favor of one person and against another is forbidden by the Constitution of the United States, if not by the Constitution of the State; and so it has been held by the Supreme Court of the United States and by this court. (Gulf, C. & S. F. R. Co. v. Ellis, 165 U. S. 150; Cotting v. Kansas City S. Y. Co., 183 U. S. 79; Connolly v. U. S. P. Co., 184 U. S. 540; People v. Orange County Road Constr. Co., 175 N. Y. 87, 90.) It is, I think, quite obvious that the legislation in question is,

upon its face, in conflict with the constitutional guaranties referred to, unless it can be brought within the scope of the police power. That is the only ground upon which the statute is defended by the learned district attorney. He contends that it is a health law passed for the purpose of protecting the public health, or at least the health of those persons employed in bakeries. The argument is that the defendant was forbidden by the statute to permit his workmen to work more than ten hours in a day, to the end that his customer might have wholesome bread, biscuit and confectionery, whereas if they were permitted to work ten and a half hours in the day the product of the bakery would be unwholesome or dangerous to health. What possible relation or connection the number of hours that the workmen are permitted to work in the bakery has, or can have, to the healthful quality of the bread made there is quite impossible to conceive. The baker in the small towns, or even in the large towns, who does his own work and does not employ labor, may work day or night without fear of molestation, since no one thought it necessary to protect the public against his unwholesome product. It has already been observed that the law does not impose any penalties or restrictions upon the workman himself for working too much, and if the purpose was to protect his health against his own avarice, or his own misdirected energy, it is quite remarkable that it did not at least forbid him from working more than ten hours in a day.

The contention that the defendant was convicted for violating a health law is, at best, I think, but a mere disguise that is not sufficient to save the statute from condemnation. There is nothing on the face of the law nor in its manifest operation to show that it has any relation to the public health. It is no part of the Health Law, but a part of a general statute known as the Labor Law. The execution of it was not intrusted to any of the health authorities, but to the factory inspector, which shows what its real scope and purpose was. The factory inspector is not the officer charged with the enforcement of health laws. The Legislature classified it as a labor law, and it is that and nothing else. Laws which encroach upon the personal or property rights of the citizen, as guaranteed by the Constitution, are generally defended upon the ground that they are police regulations; but the courts have prescribed a test by means of which their true character and purpose may be known. The rule is that the court must be able to say judicially that the statute in question is a health law, and has some appropriate relation to the promotion or protection of health. It will not be deceived or misled by mere names or pretenses. The cases are numerous in which the courts have condemned statutes as invasions of the rights secured to the citizen by the Constitution, though enacted or sought to be upheld under the guise of health laws or other police regulations. They all arrive at the same result, and that is that the Legislature may not under the guise of a statute to protect against some wrong, real or imaginary, arbitrarily strike down private rights and invade personal freedom or confiscate private property. The police power must be exercised within its appropriate sphere and by appropriate methods (*Matter of Jacobs. supra*; *People v. Marx*, 99



N. Y. 377; *People v. Arensberg*, 103 N. Y. 388; *People v. Gillson*, 109 N. Y. 389; *Colon v. Liak*, 153 N. Y. 188; *People ex rel. Rodgers v. Coler*, 166 N. Y. 1; *People v. Buffalo Fish Co.*, 164 N. Y. 101, 104; *People v. Hawkins*, 157 N. Y. 1.) It will not do to say that the Legislature, in enacting the statute in question, may have thought that it was a health law, or had some relation to health. The action of the Legislature, or its views or reasons for the passage of the law, does not conclude the courts, but they must determine for themselves whether in any given case the legislation which is claimed to be an exercise of the police power is really what it is claimed to be. Every labor law, however stringent and arbitrary, could just as well be upheld upon the ground that it is a health law; but in all the discussions that have been had in the courts for many years concerning the validity of legislation of this character, there are to be found but very few cases where it was even claimed that the statute was enacted for the purpose of preserving or promoting health, or that it had any relation whatever to that subject. When it is manifest, as it is in this case, that the law has no relation whatever to the subject of health, and that its real object and purpose was to regulate the hours of labor between master and servant in a business which is private and not dangerous to morals, or to health, freedom to contract with each other, defining their mutual obligations, cannot be prohibited without violating the fundamental law.

The defendant was charged in the indictment with the violation of a single independent section of article 8 of the Labor Law, namely, the first section, which relates solely to the hours within which the master may permit the servant to work. The validity of that section is not affected or helped out by the character of some of the other sections of the article, since part of a statute may be perfectly valid and another part in conflict with the Constitution. It is quite possible that some parts of the other five sections can be regarded as prescribing sanitary regulations, such as ventilation, plumbing, fire escapes and the like, but such regulations can not save the first section, which deals exclusively with the time within which the servant is to work and virtually makes a contract to be observed by the master alone, leaving the servant just as free as if the law had never been passed. A section, or sections, of a statute may be good that requires and prescribes sanitary regulations binding upon the landlord who owns and lets tenement houses in cities, but this would not save another section of the statute that prescribes the maximum rent that he may demand and receive from his tenants. It is even quite possible that a law might be held good that enjoins upon farmers or persons employing domestic help the duty of preserving their health against infectious diseases by reasonable and proper safeguards, such as ventilation of the rooms where they sleep and the like, but this would not save a separate section of the law prescribing the compensation that the master is required to pay to the servant. So that the section of the Labor Law with which we are now concerned can borrow no strength from its association with other sections of the statute that may be good. The single section of the Labor Law that we are now dealing with must stand or fall upon its own intrinsic character and can receive no support from the company in which it is found. If that section had also provided that every employee of a baker would be guilty of a misdemeanor if he neglected or refused to faithfully serve his master for ten full hours in each day no one,

I apprehend, would then claim that it was a health law. And yet every argument and every authority cited in defense of the section in its present form would be just as good then as they are now. The section would then be just as much of a health law as it is now.

It can not be repeated too often that if the single section of the law with which we are now concerned and which is the sole basis of the criminal charge in this case stood alone, the argument that it is a health law and within the police power would not have even a color of reason or authority to support it. But what the learned district attorney urges upon us is that since the section is found in the article associated with other sections prescribing sanitary regulations, we must assume that the legislators, for some unexpressed reason sufficient to them, reached the conclusion that a baker ought not to be permitted or required to work on an average of more than ten hours in a day. Of course this reasoning is without force and does not meet the difficulty. The question is not what the unexpressed reason is that moved the lawmakers, so long as it is impossible for any court to discover that reason or any reason to bring the enactment within the scope of the police power. It is always open to the courts to inquire and determine whether a statute is in fact fairly within the police power. That principle is found imbedded in all the cases on that subject. If it were otherwise and the real view of the Legislature is made the dominant idea, then the court would be deprived of all power to declare any law void, provided the Legislature called it an exercise of the police power, or some one contended that it was supposed to be such upon some theory that the public interest required its enactment. There would be no limit then to the police power and every statute, however arbitrary and in violation of the constitutional safeguards for the protection of life, liberty or property, could be upheld on the plea that the lawmakers called it a health law or intended it as such, or thought it was necessary for that purpose. It is incumbent upon the courts to see to it that such laws are really what they profess to be, or if claimed to be police regulations, that they are such within the reasonable scope of that power.

The bakers' vocation is one that has existed practically in all ages and in all countries. Wherever cereals are converted into bread, the standard food of the human race, except, possibly, as to those races that are considered savage or semi-savage, the making of bread is one of the most common employments. The process is familiar to the domestics in every public or private house in the land, as well as in the places called bakeries, where bread is made for sale to the public. It has never been supposed that it was a trade or vocation that was or might be dangerous to health, morals or good order, or that there was anything about it to justify legislation restricting the right of the master and servant to make their own contracts, express or implied, with respect to hours of work or the terms of employment. There is nothing in the record before us from which it can be inferred that there was any ground for the passage of the statute as a police regulation for the protection of health, morals or good order, and, hence, it can not be upheld as an exercise of the police power. It is a plain discrimination against a limited class of people who happen to be obliged to employ labor in the manufacture of bread, biscuit or confectionery in those places called bakeries. This relatively small class are restricted by the statute to the regulations there prescribed with respect to the hours of labor by their employees and

are prohibited from agreeing with them as to the time they are to work even though extra pay should be given for overwork, a right which the law gives to all other persons employing labor. If the Legislature can do all this, then the right to enact what wages the servant shall receive per day or per hour must necessarily follow as an inevitable conclusion. A statute fixing the wages of the servant at such a sum as to enable him to live more comfortably could be defended as a health law by the same argument and authority adduced in support of the section of the present law, the violation of which is the only crime charged.

It is doubtless within the power of the Legislature to enact that a ton of coal or a bushel of wheat shall contain a certain number of pounds, but it can not prohibit parties from entering into contracts to the effect that a ton of coal or a bushel of wheat shall contain more or less than the quantity prescribed by statute. When there is no contract regulating the matter, and there is a dispute between the parties as to what constitutes a ton of coal or a bushel of wheat, the statute would doubtless be available to settle the controversy. So in the case of the master and servant with respect to the number of hours that shall constitute a day's work. The Legislature may, no doubt, define what is or shall constitute a day's work, but it can not prohibit the parties from making agreements for themselves, and then custom or contract, express or implied, would control the mutual obligations of the parties.

The facts stated in the indictment do not constitute a crime, and, therefore, the demurrer must be sustained, the judgment of conviction reversed and the defendant discharged.

#### DISSENTING OPINION OF JUDGE BARTLETT.

I agree with Judge O'Brien for reversal. In one of the encyclopædia authorities cited for respondent it is said: "Bakers and confectioners who, during working hours, constantly breathe air filled with the finest dust from flour and sugar, have a tendency to consumption," etc. The authorities cited condemning the calling of a baker as unhealthy doubtless refer to localities where they grind the grain, sugar-loaf and other materials used. It may be observed in passing that "the medical authorities without number" might lose some of their force if the writer were, where he should be, in court and subjected to cross-examination.

It is common experience that the baker, like the cooks in hotels, restaurants and private families, has provided for him in his business flour, sugar and the other ingredients duly prepared for immediate use. The claim that the compounding of these constituents, so prepared, in the business of a baker, is an unhealthy occupation, will surprise the bakers and good housewives of this State. The grinding of steel, like the needle-grinding of Sheffield, England, and of other similar materials and substances, causing clouds of impalpable dust, is not to be confounded with the avocation of the family baker engaged in the necessary and highly appreciated labor of producing bread, pies, cakes and other commodities more calculated to cause dyspepsia in the consumer than consumption in the manufacturer.

The country miller of 50 years ago, who passed a long and happy life amid the hum of machinery and the grinding process of the upper and nether stones, little dreamed of a coming day when the Legislature, in the full

panoply of paternalism, would rescue his successor from the appalling dangers of the life he led until old age summoned him to retire.

It has been frequently said that the limits of the police power can not be accurately defined; that it is not desirable the Legislature should be thus trammelled.

When this court held that the Legislature acted in the legitimate, undiscriminating exercise of the police power in compelling all barbers to observe strictly the first day of the week, commonly called Sunday, except in the village of Saratoga Springs and the city of New York, the legal profession doubtless concluded that the elasticity of the undefined had arrived at its *Ultima Thule* (*People v. Havnor*, 149 N. Y. 195). That this conclusion was erroneous is shown by the fact that the case is now doing duty against the baker when men in kindred occupations are permitted to work as many hours as necessity dictates.

Another question in this case is whether section 110, contained in article 8 of the Labor Law (chapter 415, Laws of 1897), is within the police power. This section is contained in article 8, which consists of sections 110, 111, 112, 113, 114 and 115. I am of the opinion that all the sections of said article, excepting section 110, are within the police power, relating, as they do, to sanitary conditions concerning the business of a baker. Placing section 110, relating exclusively as it does to hours of labor in bakeries and confectionery establishments, in article 8, does not bring it within the police power.

In a recent case this court said: "In the interest of public health, of public morals and of public order, a State may restrain and forbid what would otherwise be the right of a private citizen. It may enact laws to regulate the extent of labor which women and children or persons of immature years shall be allowed to perform, and prohibit altogether their employment in dangerous occupations (*Commonwealth v. Hamilton Mfg. Co.*, 120 Mass. 383; *Tiedeman's Police Power*, § 85)." (*People v. Orange County Road Con. Co.*, 175 N. Y. 84, 87, 88.)

The State may also regulate the hours of labor in deep and unhealthy mines, and in any vocation where it is pursued at the risk of health and life. It is because I believe that the occupation of a baker does not fall within these general principles, and the array of authorities cited, I vote for reversal.

Parker, Ch. J., Gray and Vann, JJ., read for affirmance, and Haight, J., concurs; O'Brien and Bartlett, JJ., read for reversal, and Martin, J., concurs.

Judgment affirmed.

### (3). OPINION OF THE ATTORNEY-GENERAL AS TO THE DEFINITION OF BAKESHOP.

STATE OF NEW YORK:

ATTORNEY-GENERAL'S OFFICE,

ALBANY, February 3, 1904.

To the Honorable the Commissioner of Labor:

SIR: I beg to acknowledge receipt of your favor of yesterday stating that certain concerns in this State are engaged in the manufacture of biscuits that are not made of flour or meal, but from grain, and according to a special process, and asking whether such manufacturing establishments come within the scope of the provision of section 110 of the Labor Law, which forbids the requiring or permitting of employees "in a biscuit, bread or cake bakery" to work more than ten hours in any one day.

The legislation in question has been recently upheld by the Court of Appeals (*People v. Lochner*, 177 N. Y. 145) as a valid exercise of the police power of the State, in the interest of the protection of public health.

Considering the statute as a health measure, it is evident that the thing guarded against is long hours of confinement in a close atmosphere and a high temperature, and there is no reason to believe that the danger to life and health from such conditions would be any whit the less because the grain is prepared for baking by a special process than if it were first reduced to flour or meal by ordinary grinding or rolling process.

It would be a very narrow construction to hold the statute applicable only to concerns engaged in the manufacture of bread and biscuit made of flour or meal. The statute, in my opinion, is broad enough to cover all cases where food products are obtained from edible grains by baking, without regard to the previous preparation of such grain by grinding, rolling or other process.

Respectfully yours,

JOHN CUNNEEN,

*Attorney-General.*

#### (4) CONSTITUTIONALITY OF THE TENEMENT HOUSE LAW AFFIRMED.

*[Tenement House Department of the City of New York v. Moeschen. Argued before the Court of Appeals Oct. 11, 1904; decided Nov. 16, 1904, 179 N. Y. 325. Affirms 89 App. Div. 526 and 90 App. Div. 603.]*

#### STATEMENT OF CASE.

The first case is an appeal from a judgment of the Appellate Division, First Department, unanimously affirming the determination of the Appellate Term, which affirmed a judgment for plaintiff in the Municipal Court of the City of New York, entered on a verdict against defendant for a penalty for the violation of the Tenement House Act.

The second case is an appeal by defendant from an order of the Appellate Division, First Department, unanimously affirming an order of the Special Term granting plaintiff's motion for an injunction to enjoin defendant from maintaining the school sink mentioned in the complaint on the premises involved, and containing other orders and directions.

In both cases the same question has been certified to this court, to wit: "Is section 100 of chapter 334 of the Laws of 1901 of this State constitutional?"

This act is entitled "An act in relation to tenement houses in cities of the first class." Short title, "Tenement House Act."

Section 100 is as follows: "In all now existing tenement-houses, all school sinks, privy vaults or other similar receptacles used to receive fecal matter, urine or sewage, shall before January first, nineteen hundred and three, be completely removed and the place where they were located properly disinfected under the direction of the department of health. Such appliances shall be replaced by individual water-closets of durable non-absorbent material, properly sewer connected, and with individual traps, and properly connected flush tanks providing an ample flush of water to thoroughly cleanse the bowl. The seats of the water-closets shall be hinged and attached to the bowl of the closet. Each water-closet shall be located in a compartment completely separated from every other water-closet. The floors of the water-closet com-

partments shall be water-proof as provided in section ninety-five of this act. Such water-closets may be located in the yard if necessary, and if so, long hopper closets may be used; all traps, flush tanks and pipes shall be protected against the action of frost. There shall be provided at least one water-closet for every two families in every now existing tenement house. Except as in this section otherwise provided such water-closets and all plumbing in connection therewith shall be in accordance with the ordinances and regulations in relation to plumbing and drainage."

OPINION BY JUDGE BARTLETT.

The defendant is the owner of a tenement house, No. 332 East Thirty-ninth street, in the city of New York, valued at \$16,500, in which she has an equity above incumbrances of about \$3,500. The defendant was duly served with an order, on the 11th day of April, 1903, by the plaintiff herein, ordering her to remove the school sink from said property and to replace the same by one water-closet for every two families in the building, under said section 100. Defendant was also informed in the notice that if she failed to comply with the terms thereof proceedings would be instituted against her according to law. These premises were occupied by twenty families, aggregating 48 persons, more or less. The defendant having failed and refused to comply with the order, the actions already referred to, for the recovery of the penalty provided by said act and for an injunction, respectively, were commenced. The defense interposed in each case is the unconstitutionality of section 100.

The learned Appellate Division wrote an opinion in the action begun in the Supreme Court for an injunction, and in determining the appeal in the action in the Municipal Court of the city of New York adopted that opinion.

A question is discussed in the briefs on this appeal that the introduction by defendant of testimony and proof was proper. In view of the fact that this testimony and proof were admitted, over the objections and exceptions of the plaintiff, and that no appeal has been taken from such rulings, this question is not before us and we express no opinion in regard to it.

It is well settled in this court and in the Supreme Court of the United States that the constitutionality of a statute may be determined by considering its language and the material facts of which the court can take judicial notice (*People ex rel. Kemmler v. Durston* 119 N. Y. 569, 578; *Health Department of N. Y. v. Rector, etc.*, 145 N. Y. 32, 50; *Powell v. Pennsylvania*, 127 U. S. 676, 684, 685; *Schollenberger v. Pennsylvania*, 171 U. S. 1, 8).

It is not the hardship of the individual case that determines the question, but rather the general scope and effect of the legislation as an exercise of the police power in protecting health and promoting the welfare of the community at large. It is a well-recognized principle in the decisions of the State and Federal courts that the citizen holds his property subject not only to the exercise of the right of eminent domain by the State, but also subject to the lawful exercise of the police power by the Legislature; in the one case property is taken by condemnation and due compensation; in the other the necessary and reasonable expenses and loss of property in making reasonable changes in existing structures, or in erecting additions thereto, are *damnum abeque injuria*. The single question is presented in this case whether the legislation under consideration is a lawful exercise of the police power, imposing upon the citizen only such expenses as are reasonable.

We are of the opinion that, considering the facts in the case, the language of the section under review and the expenses incurred in making the necessary changes required, the legislation is a proper exercise of the police power. There is much important and persuasive evidence of which we are permitted to take judicial notice.

The recent history of legislation on this subject is as follows: In 1884, the tenement house committee, acting under legislative command, submitted a report to the Senate February 15, 1885 (Senate Document No. 36 of 1885), showing the condition of the old privy vaults existing in the city of New York, and recommended "the abolition of all privy vaults in the city limits upon all property contiguous to all streets or avenues where sewers are laid." A law to that effect was passed (chapter 84 of the Laws of 1887) as an amendment to section 53 of the Consolidation Act. In pursuance of this legislation the Board of Health abolished the privy vaults, and the owners of tenement houses were ordered to substitute water-closets in the house, or hopper closets or school sinks in the yard.

In this report of 1884 the committee said: "School sinks are better than vaults, but water-closets are better than either. Nearly all the inspectors know where water-closets have been introduced in tenement houses, and they believe that properly located and supervised water-closets are practicable, even in the worst houses."

The Governor, in 1900, appointed a committee known as "The Tenement House Commission," in accordance with chapter 279 of the laws of that year, to make a careful examination into the healthfulness of tenement houses in cities of the first class, and to make "such recommendations as it deems wise to enable the best and highest possible condition for tenement houses in said cities to be attained."

This commission submitted its report to the Legislature in February, 1901. At page 149 thereof, after recommending the passage of section 100 of the Tenement House Act, the commission made the following statement:

"These school sinks were in nearly every case found by the commission's sanitary inspectors to be in a horrible condition, and a serious menace to the health of the occupants of such houses and the neighboring houses. From their construction it is very difficult to flush them, and the inspectors found many cases where they had not been flushed for weeks. In summer the stench is intolerable, and, unquestionably, causes a good deal of sickness. Moreover, the school sinks found in nearly all the buildings were in a horrible condition, in some cases simply indescribable. The commission, therefore, recommends that within two years all existing school sinks now used in connection with tenement-houses be removed and proper water-closet accommodations be substituted. The commission has not attempted to specify whether such water-closets shall be placed in the yard or within the tenement-house; it has left this to the option of the owner. The commissioners realize that in some cases it might be difficult to protect such water-closets from the action of frost if they are located in the yard, but know that in any case they can be located in the house simply by giving up one room to such purpose. Every consideration of the public health demands that this action be taken, and the commission finds, after having estimates made, that the cost will not be so great as to make this measure an undue hardship upon the owners of tenement-houses."

This commission submitted a draft of the Tenement House Act, which was afterward passed by the Legislature (chapter 334 of the Laws of 1901).

These reports to the Legislature make it clear that the abolition of the vault in the first instance, and subsequently of the school sink in tenement

houses, was an absolute necessity in the due protection of the public health in the city of New York. In *Health Department of N. Y. v. Rector, etc.* (145 N. Y. at p. 49), Judge Peckham uses this language: "That dirt, filth, nastiness in general, are great promoters of disease, that they breed pestilence and contagion, sickness and death, can not be successfully denied. There is scarcely a dissent from the general belief on the part of all who have studied the disease that cholera is essentially a filth disease. The so-called ship fever or jail fever arises from filth; must diseases are aggravated by it."

The records of the tenement house department of the city of New York show that there are over eighty thousand tenement houses in the city, in only nine thousand of which are there school sinks. In seventy-one thousand of these houses, therefore, and many of them of the cheapest type, there are water-closets and no school sinks. This fact shows that the necessity of this reform has been generally recognized, and has caused the great majority of tenement houses in the city to adopt the water-closet system as contemplated by the section under consideration.

This court has recently passed upon the constitutionality of "The Public Health Law" (Laws of 1893, chap. 661, § 200, renumbered § 210 by Laws of 1900), which provides that no child or person not vaccinated shall be admitted or received into any of the public schools of the State. A large portion of the instructive opinion of Judge Vann is apposite to the cases at bar. (*Matter of Viemeister*, 179 N. Y. 235).

One of the questions of fact litigated was the expense imposed upon the defendant in making this change of closets. A witness in behalf of defendant testified that the expense would range from \$750 to \$2,640, while the witness for the plaintiff placed the outlay at from \$800 to \$1,750. This question, however, has been settled against the defendant by the unanimous affirmance of the Appellate Division. The counsel for defendant argues that the substitution of the new closets for the old would practically destroy the defendant's equity in her property, as it is heavily mortgaged. While it was proved that the expense involved would not, by a large amount, equal defendant's equity in the premises, it is obvious that the full market value of the property, and not the value above incumbrances, should be taken into consideration when estimating the reasonableness of the proposed outlay to which defendant is to be subjected.

Another point to be considered in this connection is that a tenement house relieved of the terribly filthy condition disclosed by the existence of these school sinks, and duly equipped with the individual water-closet, must experience a marked increase of fee and rental value.

Appellant argues that the school sink on the defendant's premises having been erected in compliance with orders of the Board of Health some years ago, issued pursuant to a mandate of the Legislature, is property which the plaintiff is seeking to take without instituting condemnation proceedings and awarding compensation to her for the loss suffered and injury done by such removal and incidental destruction, and, therefore, offends both the State and Federal Constitutions, which provide that private property shall not be taken for public use without just compensation. In support of this proposition the learned counsel cites *Wynehamer v. People* (13 N. Y. 378, 398); *Matter of Jacobs* (98 N. Y. 98); *People v. O'Brien* (111 N. Y. 1), and many other familiar cases which clearly have no application to the present case.



We have here an act of the Legislature which is, in part, preventive legislation, looking to the preservation of the public health in the future; a system of drainage is attacked, which is highly dangerous, and which should be surrounded by every reasonable safeguard known to science and experts in plumbing. (Health Department of N. Y. v. Rector, etc., 145 N. Y. 32.)

In *Commonwealth v. Roberts* (155 Mass. 281, 282), the question of water-closets was under consideration. The court there said: "There can be no doubt that the statute in question is within the constitutional powers of the Legislature as a police regulation. It is an act for the preservation of the public health, and relates to the disposal of one of the most dangerous forms of sewage. As said by Morton, J., in *Nickerson v. Boston* (131 Mass. 306, 308): "It belongs to that class of police regulations to which private rights are held subject, and is founded upon the right of the public to protect itself from nuisances and to preserve the general health. The authority of the Legislature to pass laws of this character is too well settled to be questioned." See, also, *Commonwealth v. Intoxicating Liquors* (115 Mass. 153, 155), and cases cited; *Bancroft v. Cambridge* (126 Mass. 438).

The appellant further insists that this legislation is violative of the fourteenth amendment of the Constitution of the United States, which declares that no State shall "deny to any person within its jurisdiction the equal protection of the laws," since the act is made applicable only to cities of the first class and to tenement houses only, while all citizens of other cities and all property owners in cities of the first class owning premises other than tenement houses are free to use school sinks.

To say the Board of Health of the city of New York, in the exercise of the police power, can not, under legislative sanction, apply different rules and regulations in a city of the first class to the densely populated tenement-house districts, than to the well-conducted houses of the more favored classes, is to overlook the controlling facts and the absolute necessity of enforced changes by the exercise of the police power. The fact that the act under consideration relates only to cities of the first class does not offend the constitutional provisions upon which the appellant relies. It is common procedure for the Board of Health, in the various cities of the State, to secure such grants of power from the Legislature as the necessities of the particular locality may demand. An act necessary for the city of New York might not have the slightest application to Albany or Buffalo.

The appellant makes the further point that the act is rendered unconstitutional by reason of its application to existing buildings. This contention is clearly unsound under the decision of this court in *Health Department of N. Y. v. Rector, etc.* (145 N. Y. 32, 43, 45). Judge Peckham dealt with this point as follows:

"Instances are numerous of the passage of laws which entail expense on the part of those who must comply with them and where such expense must be borne by them without any hearing or compensation because of the provisions of the law. (*Thorpe v. R. R. Co.*, 27 Vt. 140-152.) One of the late instances of this kind of legislation is to be found in the law regulating manufacturing establishments (Laws of 1887, chap. 462). The provisions of that act could not be carried out without the expenditure of a considerable sum by the owners of a then existing factory. Hand rails to stairs, hoisting shafts to be inclosed, automatic doors to elevators, automatic shifters for throwing off belts or pulleys, and fire escapes on the outside of certain factories, all these were required by the Legislature from such

owner and without any direct compensation to him for such expenditure. Has the Legislature no right to enact laws such as this statute regarding factories unless limited to factories to be thereafter built? Because the factory was already built when the act was passed, was it beyond the legislative power to provide such safeguards to life and health as against all owners of such property unless upon the condition that these expenditures to be incurred should ultimately come out of the public purse? I think to so hold would be to run counter to the general course of decisions regarding the validity of laws of this character and to mistake the foundation upon which they are placed. (*Coates v. Mayor, etc., of N. Y.*, 7 Cowen, 585, 604; *Cooley's Const. Lim.* [5th ed.] chap. 16, page 706, etc.)

"Any one in a crowded city who desires to erect a building is subject at every turn almost to the exactions of the law in regard to provisions for health, for safety from fire and for other purposes. He is not permitted to build of certain materials within certain districts because though the materials may be inexpensive they are inflammable, and he must build in a certain manner. Theaters and hotels are to be built in accordance with plans to be inspected and approved by the agents of the city; other public buildings also; and private dwellings within certain districts are subject to the same supervision, and in carrying out all these various acts the owner is subjected to an expense much greater than would have been necessary to have completed his building if not compelled to complete it in the manner, of the materials and under the circumstances prescribed by various acts of the Legislature. And yet he has never had a hearing in any one of these cases, nor does he receive any compensation for the increased expense of his building, rendered necessary in order to comply with the police regulations. I do not see that the principle is substantially altered where the case is one of an existing building and it is to be subjected to certain alterations for the purpose of rendering it either less exposed to the danger from fires or its occupants more secure from disease. In both cases the object must be within some of the acknowledged purposes of the police power and such purpose must be possible of accomplishment at some reasonable cost, regard being had to all the surrounding circumstances."

We do not deem it necessary to examine in detail other points argued by the appellant, as we are satisfied that the judgment and order appealed from in the respective cases should be affirmed, with costs, and the certified question in each case answered in the affirmative.

We adopt the able opinion of the learned Appellate Division, save that portion of it which discusses the power to introduce testimony and proof at the trial and hearing in the respective cases, the question not being before us, as already stated.

Cullen, Ch. J., O'Brien, Haight, Martin, Vann and Werner, JJ., concur.

Judgment and order affirmed.

#### (5) THE HORSESHOERS' LICENSING LAW HELD UNCONSTITUTIONAL.

[*People of the State of New York vs. Beattie, decided by the Appellate Division, first department, July, 1904,—96 App. Div. 535.*]

#### OPINION BY JUSTICE HATCH.

The defendant demurred to the sufficiency of the information charging him with the commission of a violation of section 384m of the Penal Code (added by Laws of 1897, chap. 416). The demurrer rested upon the ground that the statute upon which the information was based contravenes the fourteenth amendment of the Constitution of the United States in that it abridges the privileges and immunities of a citizen of the United States and deprives him of liberty and property without due process of law and denies to him the equal protection of the laws. Also, that the statute contravenes the

Constitution of the State of New York, in that it deprives a citizen of liberty and property without due process of law and imposes upon citizens of this State restraints in following a common and lawful occupation, the right to prosecute which is secured by the Constitution. (See Const. art. 1, §§ 1, 6.) The demurrer was disallowed and a trial had, when the defendant pleaded guilty to a violation of the statute in question, but moved in arrest of judgment thereon that the facts stated did not constitute a crime. The court denied the motion, adjudged the defendant guilty and imposed a fine of \$5. From the judgment of conviction the defendant appealed to this court. By the provisions of article 12 of the Labor Law, being sections 180 to 184, inclusive, of chapter 415 of the Laws of 1897, provision is made for a board of examiners to examine applicants desiring to practice as master or journeyman horseshoers, and if found qualified the board is required to issue to the applicant a certificate showing that he is qualified to practice as a master or journeyman horseshoer. Such certificate is required to be registered with the clerk of the county where the person proposes to practice such trade. No person is allowed to practice horseshoeing as a master or journeyman horseshoer in cities of the first and second class unless he is registered and has a certificate as provided in the article. The article is limited in its application to cities of the first and second class. By an amendment thereto (Laws of 1899, chap. 558) the application of the article was extended to all cities of the State. The act was again amended by chapter 151 of the Laws of 1903. The effect of the last amendment will be hereafter noticed. Section 384m of the Penal Code provides: "A person who presents to a county clerk, for the purpose of registration, a certificate purporting to qualify him to practice horseshoeing in a city of the first or second class, which has been fraudulently obtained, or practices as a horseshoer in any such city without complying with the provisions of article 12 of the Labor Law, or violates or neglects to comply with any of such provisions, is guilty of a misdemeanor." The particular question which this appeal presents is whether the regulation of the subject of horseshoeing falls within the authority of the State under the exercise of the police power. It is claimed by the appellant that in fact it restrains persons from pursuing a lawful occupation and a common trade, and that it does not fall within any of the subjects to which the right of regulation under the police power applies.

It is now common learning that the police power which may be exercised by the State is very broad and comprehensive in its scope. Yet however broad and comprehensive it may be, it has its limitations and must in its exercise have relation to the promotion of the health, comfort, safety and welfare of society. If it does not fairly relate to some one of these objects and tend to promote the public weal in connection therewith, it does not come within the lawful right of the State to exercise the power. Under the guise of the police power a subject may not be regulated when in fact it does not promote or tend to promote some one of the objects embraced within its scope. It was said by Judge Cooley, in speaking of the power of the Legislature to regulate these subjects, having application to corporations holding inviolable charters: "The limit to the exercise of the police power in these cases must be this: The regulations must have reference to the comfort, safety or welfare of society; they must not be in conflict with any of the provisions of the charter; and they must not, under pretense of regulation,

take from the corporation any of the essential rights and privileges which the charter confers. In short, they must be police regulations in fact and not amendments of the charter in curtailment of the corporate franchise." (Cooley's Const. Lim. [7th ed.] 837.) In *Butchers' Union Co. v. Crescent City Co.* (111 U. S. 746), it was said by Mr. Justice Field, in speaking of the inalienable rights which were proclaimed in the Declaration of Independence: "Among these inalienable rights \* \* \* is the right of men to pursue \* \* \* any lawful business or vocation in any manner not inconsistent with the equal rights of others, which may increase their prosperity or develop their faculties so as to give to them their highest enjoyment. The common business and callings of life, the ordinary trades and pursuits which are innocuous in themselves, and have been followed in all communities from time immemorial, must, therefore, be free in this country to all alike upon the same conditions. The right to pursue them without let or hindrance, except that which is applied to all persons of the same age, sex and condition, is a distinguishing privilege of citizens of the United States, and an essential element of that freedom which they claim as their birthright." Mr. Justice Bradley in the same case said: "I hold that the liberty of pursuit, the right to follow any of the ordinary callings of life, is one of the privileges of a citizen of the United States." These declarations and many others were collated and approved in *Matter of Jacobs* (98 N. Y. 98), and the learned judge who wrote therein said: "So, too, one may be deprived of his liberty and his constitutional rights thereto violated without the actual imprisonment or restraint of his person. Liberty, in its broad sense as understood in this country, means the right not only of freedom from actual servitude, imprisonment or restraint, but the right of one to use his faculties in all lawful ways, to live and work where he will, to earn his livelihood in any lawful calling, and to pursue any lawful trade or avocation. All laws, therefore, which impair or trammel these rights, which limit one in his choice of a trade or profession \* \* \* are infringements upon his fundamental rights of liberty, which are under constitutional protection." These rules have been accepted by all courts throughout the length and breadth of this land as containing a sound interpretation of the constitutional guaranty relating to this subject. They have direct and pertinent application to the case in hand and furnish a controlling guide in determining whether the present case falls within or without the pale of the police power.

It is difficult indeed to see how the regulation of shoeing horses has any tendency to promote the health, comfort, safety and welfare of society. This language is used in respect to persons. It certainly can not be said that it affects the health of the individual, to regulate the subject either of the general public or of the persons who follow it as an occupation, and if the latter were in anywise injuriously affected by the process of shoeing horses the attempted regulation, it is clear, would not affect or have any influence upon such subject. The law can not, therefore, be sustained as being in any just sense a regulation for the promotion of the public health or of the health or morals of the class of persons who follow it as a trade. Nor is it apparent how in anywise a regulation of this subject will tend to promote the comfort of the people. It is not suggested how such result will be accomplished, or how the safety and welfare of society will be in anywise promoted or affected by it. It does not seem, therefore, that this regulation

tends to promote the public weal along any of the lines upon which the exercise of the police power in various cases which have arisen has been made to rest. In *Bessette v. People* (193 Ill. 334), the court had under consideration a statute in all respects similar to the present one, and it was there held that the act was unconstitutional by reason of its interference with the liberty of the citizen, the court saying: "It is impossible to conceive how the health, comfort, safety or welfare of society is to be promoted by requiring a horseshoer to practice the business of horseshoeing for four years, and submit to an examination by a board of examiners, and pay a license fee for the privilege of exercising his calling. The ends to be secured by the exercise of the police power are the public health, comfort, safety or welfare, but this measure has no relation to the ends thus specified. If this act is valid, then the Legislature of the State can regulate almost any employment of the citizen by the requirement of previous study, and previous examination, and the payment of a license fee, and the issuance of a license. While we are always reluctant to put the stamp of invalidity upon any act of the legislative branch of the government, it is yet our duty, in the exercise of the trust imposed upon us by the Constitution, to protect the constitutional rights and privileges of the individual citizen against such an invasion of them as is embodied in the present enactment." So far as authority goes, that case is an actual decision by the Supreme Court of Illinois of this subject, and while not binding upon us as an authority, yet we concur in the reasoning which the court took, that so far as the public is concerned, the act in question bears no relation to the recognized subjects which furnish the basis for the exercise of the police power. This view is supported by much authority. (*Bertholf v. O'Reilly*, 74 N. Y. 509; *Allgeyer v. Louisiana*, 165 U. S. 578; *People v. Marx*, 99 N. Y. 377.) The principle is also recognized in the most recent decisions by the Court of Appeals wherein it is held that this constitutional right can only be made to yield to the necessity in promotion of the welfare, health or prosperity of the State (*People ex rel. Nechamcus v. Warden*, 144 N. Y. 529; *People v. Lochner*, 177 N. Y. 145). The difficulty which is inherent in the exercise of the police power is not in a statement of the principles upon which the exercise of power rests, but it is in the application of those principles to the particular case. It was said by Chief Justice Shaw, in *Commonwealth v. Alger* (7 Cush. 53): "It is much easier to perceive and realize the existence and sources of this power than to mark its boundaries or prescribe limits to its exercise." So in all cases the extent to which the power may be legitimately exercised must be left for determination in each case as it arises (*Allgeyer v. Louisiana*, *supra*.) It is claimed that this law may be supported as a valid constitutional enactment and the conviction sustained upon the ground that it operates in the prevention of cruelty to animals, the claim in this respect being that as the health and comfort of animals is one of the recognized subjects of legislative control, so likewise their health and comfort tends to promote the health, comfort and welfare of the community, and that the exercise of the police power may be made to rest on broad humanitarian grounds. We are quite willing to concede that the health, comfort and welfare of animals are so closely linked with these elements in human beings that in a degree each may be said to be dependent upon the other in securing such results. Laws prohibiting cruelty to animals and providing in considerable detail for the

exercise of power necessary to secure that result have found a place upon the statute books and been enforced by the courts for many years (Stage Horse Cases, 15 Abb. Pr. [N. S.] 51), and numerous convictions have been had under such statutes.

In *Bessette v. People* (*supra*) this view of the case was not considered by the court, and no expression of opinion was made thereon.

We do not think that the regulation of horseshoeing bears such relation in this respect to the public health, comfort and safety of society as to bring it within the subject upon which the police power may operate. The trade has been followed from time immemorial as one of the well-recognized and common avocations of human life. No such ill results have flowed therefrom as to call for a supervision of the matter by those charged with the enforcement of laws designed to prevent cruelty to animals. Such subject is recognized and provided for in title 16 of the Penal Code. The offenses are classified and in enumeration embrace overdriving, abandonment, failure to provide proper food and drink, selling or offering for sale or exposing a disabled animal, carrying animals in a cruel manner, wantonly poisoning, throwing substances injurious to animals in public places, keeping milch cows in unhealthy places and feeding them unhealthy food, transporting animals for more than twenty-four consecutive hours, and setting on foot fights between them. These acts embrace those cruelties to animals which the experience of mankind has shown to be most common and where cruelty is usually exhibited. While the definition of cruelty in section 669 of the Penal Code includes every act, omission or neglect whereby unjustifiable pain, suffering or death is caused or permitted and, therefore, would embrace the infliction of cruelty by any wilful means, yet there is no suggestion that the shoeing of horses has resulted in such cruelty, or that the Legislature was ever called upon to take notice of it. Doubtless the shoeing of a horse at times may have produced corns, contracted the feet and otherwise inflicted pain, but the same thing is true in the shoeing of human beings, and neither the one subject nor the other has ever been deemed to be sufficiently aggravated to call for any notice or comment from the most humane of mankind which would lead to legislation upon either subject. It is common knowledge that hundreds of kindly and well-disposed people have devoted their lives in promoting the welfare of animals, but it is not made to appear that such persons have felt called upon to interfere with the shoeing of horses in order to prevent cruelty. We are bound to take cognizance of the fact that for centuries this occupation has been one of the most common of all the trades. It is the first to follow the pioneer as a necessity, and it is recognized as a necessity in all countries and civilized communities, not only here, but throughout the world, wherever the surface over which the animal is used requires protection to its feet. For centuries horses have been shod, and we may take notice that during that period no cruelty has resulted from the act which has caused comment among men, or which has destroyed the usefulness of the animal, or in a substantial sense caused it pain or suffering. Indeed, it may be doubted whether more discomfort, pain and suffering has not been occasioned by the harness which it wears and by the food which it eats than by the shoes which it wears. Under such circumstances, to attribute cruelty to animals by shoeing seems fanciful in the extreme. It may be said, with as much foundation for the assertion, that if the

shoeing of horses can be considered as cruelty, so, likewise, can their harness, feeding, watering and cleaning be denominated as cruelty, for certainly as much suffering to the animal flows from such sources. To undertake the regulation of these subjects would inject into the body politic a paternalism which is repugnant to free institutions. Upon this subject nothing can be added to the terse statement of Judge Earl in *Matter of Jacobs (supra)*: "Under the guise of promoting the public health the Legislature might as well have banished cigarmaking from all the cities of the State, or confined it to a single city or town, or have placed under a similar ban the trade of a baker, of a tailor, of a shoemaker, of a woodcarver, or of any other of the innocuous trades carried on by artisans in their own homes. The power would have been the same, and its exercise, so far as it concerns fundamental constitutional rights, could have been justified by the same arguments. Such legislation may invade one class of rights to-day and another to-morrow, and if it can be sanctioned under the Constitution, while far removed in time, we will not be far away in practical statesmanship from those ages when governmental prefects supervised the building of houses, the rearing of cattle, the sowing of seed and the reaping of grain, and governmental ordinances regulated the movements and labor of artisans, the rate of wages, the price of food, the diet and clothing of the people, and a large range of other affairs long since in all civilized lands regarded as outside of governmental functions. Such governmental interferences disturb the normal adjustments of the social fabric, and usually derange the delicate and complicated machinery of industry and cause a score of ills while attempting the removal of one." We are of opinion, therefore, that this law arbitrarily interferes with personal liberty and private property without due process of law, for which reason it is invalid.

The case also presents a question rendering doubtful, to say the least, the validity of this conviction. We have already seen that the Labor Law, as amended by chapter 558 of the Laws of 1899, extended the application of article 12 to all cities of the State. By the amendment (Laws of 1903, chap. 151), which became a law on September 1, 1903, this law was amended "by renumbering articles twelve and thirteen to be known as articles thirteen and fourteen respectively and by inserting therein a new article, to be known as article twelve, and to read as follows:" By this amendment article 12 relates exclusively to the employment of children in street trades in any city of the first class and has no relation whatever to the violation of the provisions of law, the subject of this conviction. By the provisions of section 384m of the Penal Code it is limited in its application to cities of the first and second class, and the offense is for presenting for registration a certificate which has been fraudulently obtained or for practicing as a horseshoer in any such city without complying with the provisions of article 12 of the Labor Law. The section speaks of a violation of article 12 of the Labor Law, which, as presently existing, has no application to such subject. Section 2 of chapter 151 of the Laws of 1903 provides as follows: "Nothing in this act contained shall be deemed or construed to repeal, amend, modify, impair or in any manner affect any provision of the Penal Code or the Code of Criminal Procedure." It thus clearly appears by this amendment that for a violation of section 384m of the Penal Code outside of cities of the first and second class no penalty whatever is pro-

vided, while within those cities such act is made a misdemeanor. The fraudulent procuring of the certificate does not seem to be a crime but the presenting of a certificate fraudulently obtained is a crime. While it is doubtless true that punishment may be meted out with more severity in one locality than in another, yet the law which works such a result must apply equally to all the inhabitants of the State. (*Williams v. People*, 24 N. Y. 405.) A law is of doubtful validity which creates the same condition in particular parts of the State, but only punishes its violation in two. All laws must operate equally, and where it is apparent, and no reason can be assigned, for making the act a crime in one place and giving the persons immunity for its violation in another, it operates unequally, and is, therefore, invalid. Without, however, considering this subject in detail, we place our decision upon the ground that section 384m of the Penal Code is unconstitutional. The judgment of conviction should, therefore, be reversed and the defendant discharged.

Van Brunt, P. J., Patterson, O'Brien and McLaughlin, JJ., concurred.

Judgment reversed and defendant discharged.

#### (6) SCOPE OF THE EMPLOYERS' LIABILITY ACT.

*[Extracts from two Court of Appeals decisions, commented on at page 76 ante.]*

It was the settled law of this State prior to the enactment of the statute that the master was bound to exercise reasonable care to provide the servant a safe place to work and safe and suitable machinery and appliances with which to work, and that for a failure to exercise such a degree of care he was liable to the servant for any injury caused thereby. This is what our courts and the courts generally throughout the country have held to be the common-law liability of the master. Under this rule the complaint stated an entirely different cause of action, and it was unnecessary to rely on any statute enacted in favor of the employee. By the first section of the act of 1902 it is provided that an employee or, in case of death, his personal representatives, shall have a right of compensation for such injury or death where the injury was caused, (1) by reason of any defect in the condition of the ways, works, or machinery connected with or used by the employee due to the negligence of the employer or the person entrusted by him with the care of such ways, works or machinery; (2) by reason of the negligence of any superintendent of the employer or any person acting as such, or whose principal duty is that of superintendence. The second section prescribes: "No action for recovery of compensation for injury or death under this act shall be maintained unless notice of the time, place and cause of the injury is given to the employer within one hundred and twenty days and the action is commenced within one year after the occurrence of the accident causing the injury or death." It will be seen that by the terms of the statute the requirement of notice to the employer is limited to "action for the recovery of compensation for injury or death under this act." The learned court below was of opinion, however, that the statute dealt with the whole subject of the master's liability for defective ways, works and machinery, and that, therefore, from the time of its enactment all causes of action for those defects, whether they were such as previously existed or not, were subject to the qualification that the notice must be given to the master within a hundred and



twenty days after the occurrence of the accident. It is also insisted that the statute gives no new cause of action, and that hence it must be construed as regulating such causes of action as were given by the common law. Now, while we are not prepared to say whether the statute has in any respect increased the liability of the master for defective ways, works or machinery, it is clear that it has given an additional cause of action where it prescribes that the master shall be liable for the negligence of the superintendent or any person acting as such. At common law, while the master was liable for the fault of his *alter ego*, to whom he intrusted the whole management of the work, with the power to employ and discharge servants, he was not liable for the negligence of foremen merely as such. (*Loughlin v. State of New York*, 105 N. Y., 159.) Moreover, unquestionably the statute does not cover the whole liability of the employer to the employee. The master is bound to exercise reasonable care in the selection and employment of competent coservants, and if the character of the business requires it, to promulgate and enforce proper rules for the conduct of the business. It cannot be denied that these and probably other liabilities remain unaffected by the statute. Reliance is placed by the learned Appellate Division upon the title of the statute, "An act to extend and regulate the liability of employers to make compensation for personal injuries suffered by employees." But if it were the legislative intent to deal generally with the subject of the liability of employers, it is difficult to see why the statute did not deal with their responsibility for incompetent fellow-servants or for insufficient rules as well as for defective appliances or why the statute did not prescribe broadly that in all actions of employees against employers the prescribed notice should be given. We think the legislative intent is reasonably clear. The Legislature deeming that by the act it was about to extend the liabilities of masters to their servants (to what extent they effectuated this purpose it is unnecessary now to determine), thought wise to safeguard the new liabilities by requiring that notice should be given the master of the accident for which it was sought to recover compensation. But it was only the new or extended liability that it was intended to subject to such safeguard. This intent is clearly expressed when the Legislature limited the requirement for notice to actions for injuries or death "*under this act*." Section 2 of the act is a substantial reproduction of certain provisions of the English and Massachusetts statutes on the subject. In *Ryalls v. Mechanics' Mills*, (150 Mass., 190), it was held that where the plaintiff declared on the common-law liability of the master to his servant it was unnecessary to give the statutory notice. The same doctrine was held by the Appellate Division, in the second department, in *Rosin v. Lidgerwood Manufacturing Company* (89 App. Div. 245). In the view of those courts we concur, except that we do not intimate any approval of the position of the learned court in the *Lidgerwood* case that the statute if given the broad construction accorded to it by the court below would be unconstitutional. With that question we do not deal.—*Gmaehle v. Rosenberg*, 178 N. Y. 150.

Section 1 gives an employee or his personal representative, in case the injury results in death, the right to compensation where he has been injured by reason "of the negligence of any person in the service of the employer entrusted with and exercising superintendence, whose sole or personal duty

is that of superintendent, or in the absence of such superintendent, of any person acting as superintendent, with the authority or consent of such employer." The learned counsel for the respondent concedes that Coleman [a train dispatcher] was a superintendent within the terms of the statute. Coleman's own evidence was sufficient to justify a finding that the defendant consented to Flanagan's acting as his substitute in starting the trains from the yard. But the learned counsel for the respondent contends that the particular duty of seeing that the coupling was made and the coupler safely withdrawn and thereupon giving the signal to start the train whether performed by Coleman or Flanagan [a clerk], was not in the nature of superintendence, but merely a detail of the work, for negligence in the discharge of which duty by either employee, the defendant was not liable under the statute. This is the most serious question presented by the case. Doubtless had the train been started by the engineer without a signal, or had the conductor or one of the guards improperly given a signal for the train to move, it would have been the act of a fellow servant and the defendant would not have been liable therefor. But it does not follow that the act of a train dispatcher in sending out the train is to be regarded in the same light or as of the same character. There are many acts, the nature of which is such as to clearly establish their character, whether of ordinary labor or of superintendence, and this regardless of whether the act may be done on a particular occasion by a superintendent or by an ordinary workman. On the other hand, there are many acts which are indeterminate in their character and whether they are to be deemed acts of superintendence or not may depend on the manner in which the business is conducted and the rank and position of the employee to whom the performance of those acts is intrusted. Thus we said in *Eaton v. N. Y. C. & H. R. R. Co.* (163 N. Y. 391): "The question whether a faulty act or omission complained of is negligence in the discharge of the duty of the master as such or is a detail of the work, may depend on the manner in which the work is carried on." In the present case, under the defendant's rules already quoted and the ordinary conduct of its business, the making up of the trains and their dispatch from the yard were functions imposed on the superintendent or train dispatcher as a part of his duty as such. Both were duties or functions of superintendence. The failure of Flanagan, if there were such, was in his failure to properly supervise the preparation of the train, and in failing to ascertain that the engine had been connected with the cars and that the employee engaged in that labor had withdrawn to a place of safety. If he had done this work properly and the accident had been caused by mistake of some other employee in transmitting Flanagan's directions, the question would be entirely different (*Hankins v. N. Y., L. E. & W. R. R. Co.*, 142 N. Y. 416.) The case at bar is quite similar to one decided by the Supreme Court of Massachusetts under a statute substantially the same as our own (*Davis v. N. Y. & N. H. R. R. Co.*, 159 Mass. 532.)—*McHugh v. Manhattan Ry. Co.*, 179 N. Y. 383.

#### (7) INTERPRETATION OF THE GARNISHMENT LAW.

[*Rosenstock v. City of New York*, 87 App. Div. 337, Oct. 1904.]

"A demurrer to the complaint, on the ground that it does not state facts sufficient to constitute a cause of action, was sustained, and the plaintiffs appeal. The complaint substantially alleges that in the month of March, 1904, the plaintiffs recovered a judgment against one McNamara wholly for

necessaries sold by them to him, consisting of clothing and uniforms for his use as a police officer of the city of New York; that a transcript of the judgment was filed and the judgment docketed in the office of the clerk of Kings county, and that an execution thereafter issued against the real and personal property of the said McNamara out of the Supreme Court was returned wholly unsatisfied and wholly unpaid; that McNamara was a police officer of the defendant, and had an annual salary of \$1,400 from the city of New York, payable in equal monthly installments at the end of each month, at a rate which exceeds in amount \$20 per week; that on the 31st day of March, 1904, there became due and payable from the defendant to McNamara as such officer the sum of \$116.66, and a like sum at the end of each month thereafter, as long as he continued in such service; that on March 30, 1904, the plaintiff procured from the Municipal Court an order directing execution to issue out of said court against the wages, debts, earnings and salary of said McNamara in accordance with the provisions of section 1391 of the Code of Civil Procedure, as amended by chapter 461 of the Laws of 1903. Pursuant to that order an execution was issued out of the Municipal Court to any marshal of the city of New York against the wages, earnings and salary of McNamara that might thereafter become due or owing to him from the defendant herein, pursuant to the provisions of said section of the Code of Civil Procedure, and which further provided that the execution and levy to be made thereunder should become a continuing lien upon the said wages, earnings and salary to become due to McNamara to an amount equal to ten per centum of said wages, earnings and salary; that thereafter and on the same day the execution was presented to the city of New York by one of the city marshals; that on the day following there became due to McNamara as wages, earnings and salary from defendant the sum of \$116.66, ten per centum of which is \$11.66; that the defendant had failed to pay that sum; that the usual notice of claim was filed with the comptroller for adjustment; that he has neglected and refused to make an adjustment or payment thereof; and that more than thirty days have elapsed since such presentment, and judgment is demanded for the sum of \$11.66, with interest thereon from March 30, 1904.

\* \* \* \* \*

"Particular attention should be directed in the discussion of this appeal to the language of the section which points out the facts required to be shown that an execution against the wages, debts, earnings and salary may issue—the judgment creditor may cause the issuance of such an execution only 'where no execution issued as hereafter provided in this section is unsatisfied and outstanding against said judgment or debtor.' It is clear that a cause of action given to the judgment creditor against a person who shall fail or refuse, upon such an execution being presented to him, to pay over to the officer presenting the execution, ten per cent of such indebtedness, does not lie where a prior execution of this character is outstanding and unsatisfied against the judgment debtor. It seems entirely plain from a reading of the section that the Legislature intended that by this heretofore unknown process a sum no greater than ten per centum of the earnings of the judgment debtor should be taken toward the satisfaction of the judgment upon which the execution was issued, and to prevent the taking of a larger sum it is distinctly provided that such execution may not issue where there is another outstanding and unsatisfied.

"The complaint in this action is entirely silent as to whether or not any such similar executions were unsatisfied and outstanding, and fails to allege that proof, if any, on this subject was offered to the Municipal Court, to procure the issuance of the execution. We are of the opinion that the demurrer to the complaint, wanting in allegations showing the non-existence of such executions, was well taken. That no such process should be unsatisfied and outstanding against the judgment debtor is a condition precedent to the maintenance of the proceedings against the debtor, or this action against the debtor or employer of the judgment debtor. The right of action is purely statutory and is a new remedy. The Legislature has said to the judgment creditor that if certain conditions exist, namely, if the judgment was recovered wholly for necessities, if the debtor received an amount exceeding \$20 per week, if the original execution has been returned wholly or partly satisfied, and if no other similar execution is unsatisfied and outstanding, then he may have an execution against the wages, debts, earnings and salary; and if the employer of the judgment debtor refuses upon proper presentation of this execution to pay to the officer presenting it the statutory percentage, the judgment creditor may have his action for such refusal. The non-existence of a prior unsatisfied and outstanding execution of this character is a condition precedent to the maintenance of the action, and the plaintiff is under the obligation of the rule that when the statute gives a new remedy and prescribes the requisite conditions for the enforcement thereof, or if an action of a certain character or against certain parties be authorized only after the performance of similar conditions, performance of these conditions must be alleged in the complaint. It is not sufficient that the plaintiff merely allege the issuance of such an execution and the refusal of the person to whom it was presented to pay the statutory percentage to the officer presenting it. Were that sufficient, it would tend to enable creditors, *ex parte* or through the inadvertence of the Municipal Court, to procure the issuance of such executions and obtain vested rights of action in cases where the wages, earnings and salary of the same judgment debtor were being applied to the payment of prior process of the same character."

**(3) ALIEN LABOR LAW IN CONFLICT WITH TREATY BETWEEN THE UNITED STATES AND ITALY.**

*[Opinion of the Corporation Counsel of the City of New York.]*

SEPTEMBER 8, 1904.

Hon. EDWARD M. GROUT, *Comptroller*:

SIR: I have to acknowledge the receipt of a communication from Deputy Comptroller J. W. Stevenson, dated August 17, 1904, and inclosing a letter from the People's Security Company complaining to you that one I. Selby is employing aliens on the ironwork on school buildings now in course of construction under contract with the city, at Gates avenue and Waverly place and at Seventeenth street and Seventh avenue, in Brooklyn, and requesting my advice as to your duty in the premises.

This question is raised because of the provisions of section 13 of the statute known as the Labor Law, as amended by chapter 454 of the Laws of 1902, wherein it is provided that:

"In the construction of public works by the State or municipalities or by persons contracting with the State or such municipalities only citizens of the United States shall be employed \* \* \* In each contract \* \* \* a provision shall be inserted to the effect that if the provisions of this section are not complied with the contract shall be void."

Before an answer can be given to your question it will be necessary to have information as to the nationality of the aliens on account of whose employment the complaint is made.

It may be well, however, to discuss now the distinction which may be raised between certain classes of aliens, because not all of them are affected by this portion of the Labor Law, and to point out the reason for the exemption of these from its operation.

The Constitution of the United States, Article VI, section 2, reads:

*"This constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land and the judges in every State shall be bound thereby. Anything in the constitution or laws of any State to the contrary notwithstanding."*

The right to enter into treaties with foreign countries was one which was originally ceded to the United States government by the several states, and any treaty, therefore, made pursuant to this grant of power has all the vigor of the Constitution itself. No State can validly pass a law contravening any of the provisions of such a treaty, and even though there should be a law when a treaty is made, inconsistent therewith, the law must immediately yield to the treaty. Therefore, any such law as the one now under consideration cannot impose disabilities on aliens with whose government there subsists a treaty guaranteeing its subject equal privileges with our own citizens.

This question has been passed upon frequently from the very inception of the general government, and in the case of *Hauenstein v. Lynham* (100 U. S. 483), Judge Swayne, of the Supreme Court of the United States, delivering the opinion, said:

*"The efficacy of the treaty is declared and guaranteed by the constitution of the United States. That instrument took effect on the fourth day of March, 1789. In 1796, but a few years later, this court said: 'If doubts could exist before the adoption of the present national government, they must be entirely removed by the sixth article of the constitution, which provides that 'all treaties made or which shall be made under the authority of the United States shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.' There can be no limitation on the power of the people of the United States. By their authority the State constitutions were made, and by their authority the constitution of the United States was established; and they have the power to change or abolish the State constitutions or to make them yield to the general government and to treaties made by their authority. A treaty cannot be the supreme law of the land, that is, of all the United States, if any act of a State Legislature can stand in its way \* \* \*. It is the declared will of the people of the United States that every treaty made by the authority of the United States shall be superior to the constitution and laws of any individual State, and their will alone is to decide. \* \* \*"*

*"It must always be borne in mind that the constitution, laws and treaties of the United States are as much a part of the law of every State as its own local laws and constitution. This is a fundamental principle in our system of complex national polity."*

From this you will observe that under certain contingencies this Labor Law cannot be invoked and the municipality would not be justified in abrogating the contracts because of the employment on public works of any alien whose natural rights are protected by treaty, nor could the city on such account withhold moneys already due upon the contracts of this character.

Consider, for example, the relations between the Kingdom of Italy and our Federal government. By article 3 of the treaty the subjects of the Italian Crown in the United States are guaranteed the same rights and privileges, in respect to their person and property as are secured to our own citizens, and so far as they are concerned this prohibition against their employment under the Labor Law would be clearly ineffective (*People, etc., v. Warren*, 13 Misc., 616; *Cantini v. Tillman*, 54 Fed. Rep., 969).

Innumerable decisions of the highest courts maintain undisputedly this position (*Ware v. Hylton*, 3 Dall., 199; *Owings v. Norwood*, 3 Cranch., 344; *Harnden v. Fisher*, 1 Wheat., 300; *Gibbons v. Ogden*, 9 Wheat., 211; *Hauenstein v. Lynham*, 100 U. S., 483; *Gordon v. Kerr*, 1 Wash. C. C., 322; Fed. Cas. No. 5, 611; *Baker v. City of Portland*, 5 Sawy., 566, Fed. Cas. No. 777; *In re Parrott*, 1 Fed. Rep., 481, 8 Sawy., 349; *In re Lee Sing*, 43 Fed. Rep., 359; *In re Race Horse*, 70 Fed. Rep., 598; *Bahuand v. Bize*, 105 Fed. Rep., 485; *Bollerman v. Blake*, 94 N. Y., 624; *Jackson v. Lunn*, 3 Johns. Cas., 109; *Jackson v. Wright*, 4 Johns., 75; *Johnson v. Decker*, 11 Johns., 418; *Craer v. Hoag*, 3 Hill, 79; *Watson v. Donnelly*, 28 Barb., 653; *Kull v. Kull*, 37 Hun, 476; *Buffalo R. & P. Co. v. Lavery*, 75 Hun, 396; *People, etc., v. Warren*, 13 Misc., 675; *Matter of Fattosini*, 33 Misc., 18; *Matter of Lobrasciano*, 38 Misc., 415).

Accordingly, if in any instance it is urged that a contract is being violated under the terms of this law, it would be necessary to know whether the alien employed has the protection of a treaty before it could be established whether the complaint is good.

Respectfully yours,

JOHN J. DELANEY, *Corporation Counsel*.

(9) OPINION OF THE CORPORATION COUNSEL OF NEW YORK CITY SUSTAINING THE CONSTITUTIONALITY OF THE EIGHT HOUR LAW.

AUGUST 24, 1904.

HON. JOHN F. AHEARN, *President of the Borough of Manhattan*:

SIR: Replying to your inquiry as to what course you should pursue in reference to the alleged violation of the Labor Law by certain contracting companies doing work in the Borough of Manhattan, under contracts with the city, such violation consisting of said companies compelling their employees to work more than eight hours per day, I beg to say:

That by section (NN.) of the contracts in question the contractor agrees that he will comply with the provisions of the Labor Law so far as the same are constitutional and applicable to the contract; and in addition to this, he further agrees that no laborer, workman or mechanic in the employ of the contractor, sub-contractor or other person doing or contracting to do the whole or part of the work contemplated by the contract shall be required to work more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood or danger to life and property.

By section (Q.) of the contract, it is provided that if the engineer acting for the city shall be of the opinion and shall certify to the borough president that the contractor is executing his contract in bad faith or not in accordance with the terms thereof, the president shall notify the contractor to discontinue all work under the contract, whereupon the president shall have power to contract for the completion of the contract or to place such and so many persons as he may deem advisable, by contract or otherwise, to work at and complete the work under the contract, and to charge the expense of the necessary labor and materials to the contractor, said expense to be deducted and paid by the city out of such moneys as may be due or may thereafter at any time grow due to the contractor under the contract, and in case such expense shall exceed the amount which would have been payable under the contract, if the same had been completed by the contractor, it shall pay the amount of such excess to the city.

These provisions are inserted in the contract in accordance with the requirements of section 3, chapter 415, Laws of 1897, known as the Labor Law, which as amended reads partly as follows:

"Eight hours shall constitute a legal day's work for all classes of employees in this State, except those engaged in farm and domestic service, unless otherwise provided by law \* \* \*. Each contract to which the State, or a municipal corporation is a party, which may involve the employment of laborers, workmen or mechanics, shall contain a stipulation that no laborer, workman or mechanic in the employ of the contractor, sub-contractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract, shall be permitted or required to work more than eight hours in any calendar day, except in cases of extraordinary emergency caused by fire, flood or danger to life and property \* \* \*. Each contract for such public work hereafter made shall contain a provision that the same shall be void and of no effect unless the person or corporation making or performing the same shall comply with the provisions of this section, and no such person or corporation shall be entitled to receive any sum nor shall any officer, agent or employee of the State or of a municipal corporation pay the same or authorize its payment from the funds under his charge or control to any person or corporation for work done upon any contract which in its form or manner of performance violates the provisions of this section."

Section 4 of the Labor Law provides in substance that any officer, agent or employee of the State or of a municipal corporation, having a duty to perform in the premises, who violates or evades or who permits the violation or evasion of any of the provisions of the act shall be guilty of malfeasance in office and shall be suspended or removed therefrom, and that any citizen of the State may maintain a proceeding for the suspension or removal of such officer, agent, or employee or may maintain an action for the purpose of securing the cancellation or avoidance of any contract which by its terms or the manner of performance violates the act.

The constitutionality of the provisions of the Labor Law, which prohibit a contractor doing city work under a contract with the city, from compelling or permitting his employees to work more than eight hours per day has been called in question and Mr. Justice White, sitting at Special Term, Supreme Court, Second Department, is reported to have expressed his belief that this law is unconstitutional. But in the case of *Atkin v. Kansas*, reported in 191 U. S. 207, a statute, similar to the one now under consideration, was held to be constitutional. The United States Supreme Court in that case said, Mr. Justice Harlan writing the opinion:

"It may be that the State, in enacting the statute, intended to give its enactment to the view held by many, that, all things considered, the general welfare of employees, mechanics and workmen, upon whom rest a portion of the burdens of government, will be subserved if labor performed for eight continuous hours was taken to be a full day's work; that the restriction of a day's work to that number of hours would promote morality, improve the physical and intellectual condition of laborers and workmen and enable them the better to discharge the duties appertaining to citizenship. We have no occasion here to consider these questions, nor to determine upon which side is the sounder reason; for whatever may have been the motives controlling the enactment of the statute in question, we can imagine no possible ground to dispute the power of the State to declare that no one undertaking work for it or for one of its municipal agencies, should permit or require an employee on such work to labor in excess of eight hours each day, and to inflict punishment upon those who are embraced by such regulations and yet disregard them."

Continuing, the learned justice says:

"Legislative enactments should be recognized and enforced by the courts as embodying the will of the people, unless they are plainly and palpably, beyond all question, in violation of the fundamental law of the Constitution. It cannot be affirmed of the statute of *Kansas* that it was plainly inconsistent with that instrument; indeed its constitutionality is beyond all question."

While it is not proper that a public officer should in the first instance, except for the gravest reasons, raise the question of unconstitutionality of any law, in this particular case it would be imprudent to do so, in view of the decision of the United States Supreme Court.

I, therefore, advise you that it is your duty to take proceedings to cancel and annul the contracts of such companies or individuals engaged in doing work for the city who violate the terms and provisions of the Labor Law, by exacting more than eight hours work per day from their employees. Therefore, if you have clear and convincing proof of such violations, it will be your duty to notify the contractors of the cancellation of their contracts by serving on them and their sureties a notice, a copy of which I enclose. Proper affidavits of service of such notice should be obtained and preserved in your department.

Appreciating fully the possible involvement of the city in litigation as the result of my advice, the great hardship which may be caused by a sudden stoppage of the public works now in course of construction, and the injury to the great number of men employed thereon, who may be thrown out of employment, I am nevertheless forced to the legal conclusion I have stated.

Under the law in question this duty is imposed upon you, and the statute expressly provides that failure to perform your duty is made malfeasance in office and renders you liable to removal therefrom.

If you conclude that the law has been violated, the proof of such violation by the contracting companies should be preserved in the form of affidavits in your department for use in any legal proceedings which may result from any action taken by you in this connection.

Respectfully yours,

JOHN J. DELANEY, *Corporation Counsel*.

(10) **EIGHT HOUR LAW UNCONSTITUTIONAL WITH RESPECT TO MUNICIPAL CONTRACTS.**

[*People ex rel. Cossey v. Grout*, decided by the Court of Appeals Nov. 29, 1904—179 N. Y. 417]

OPINION OF CHIEF JUDGE CULLEN.

"In October, 1903, the relator entered into a contract with the city of New York by the commissioner of street cleaning whereby he agreed to construct and deliver to the city ten scows for the sum of \$5,225 each. By his contract the relator agreed to comply with the provisions of chapter 415 of the Laws of 1897, as amended, known as the 'Labor Law,' so far as they were constitutional and applicable thereto, and that no laborer, workman or mechanic should be required to work more than eight hours in any one calendar day except in the case of extraordinary emergency. The relator was to be paid from time to time in installments as the work progressed. Under this contract he constructed and delivered six scows to the city authorities which have been accepted and retained by those officers and he received proper certificates establishing the performance of his work. The respondent, the comptroller of the city, resisted payment of relator's claim on the sole ground that the relator had permitted his workmen to work for more than eight hours a day in the absence of any extraordinary emergency. An application for a writ of mandamus to compel the comptroller to pay the relator for the scows delivered was denied by Special Term, as stated in the order, 'on a question of law only, viz, that the pre-



sumption is in favor of the constitutionality of the eight hour provision of the labor law referred to in the motion papers herein, and not in the exercise of the discretion of this court.' This order was affirmed by the Appellate Division by a divided court. As the writ was not denied in the exercise of discretion the order is appealable to this court.

"The validity of the so-called labor legislation recently enacted in many of the states has been the subject of much litigation and controversy both in the State and Federal courts. In this court there have been radical differences of opinion among its members on the questions presented by such statutes. Several cases have been presented to and decided by the court. In those cases are to be found exhaustive discussions of the questions involved, and the opinions there delivered will show that the members of the court approached the examination of the subject from very divergent points of view. While, as I shall show hereafter, there is no inconsistency in the several decisions made by us, so far as the propositions actually determined are concerned, it may be frankly admitted that in the arguments used to sustain the conclusion reached there are at times found in the opinion in one case dicta in conflict with that found in the opinion in another. None of these conflicting propositions, however, was necessary to the determination of the particular case in which it was asserted. As these cases have been so recently before the court it seems to me that no good purpose would be subserved by now reopening the whole discussion of the subject, nor does there appear much prospect that by such action we would finally reach harmony among ourselves. I think the wise course is to adhere strictly to the decisions actually made by the court without further examination of the general questions involved and regardless of the individual opinions of our several members. In this spirit I shall approach the question now before us.

"The earliest case under the Labor Law which came before us was that of *People ex rel. Rodgers v. Coler* (166 N. Y. 1). That was an application by a contractor with the city to compel the payment of his claim. It was resisted on the ground that the contractor had failed to comply with the Labor Law so far as it required payment by him to his employees of the prevailing rate of wages. It was held that the Labor Law, so far as it required that in contracts with the municipality the contractor should agree to pay his employees the prevailing rate of wages, was unconstitutional and void, and that the contractor was entitled to payment, though he had failed to comply with that provision. That case differs from the one now before us in but one respect. There the contractor had failed to pay the prevailing rate of wages; here the contractor permitted daily labor in excess of eight hours. This difference in circumstances would not justify a distinction in principle, and, therefore, the decision in the *Rogers* case must control the disposition of the present case, unless the *Rogers* case has been overthrown by the subsequent cases in this court or in the Supreme Court of the United States.

"In this connection it is necessary to refer to only three of the cases cited by the counsel for the respective parties. The first is that of *People v. Orange County Road Construction Company* (175 N. Y. 84). That case has in reality no bearing on the question now before us. Section 384-h of the Penal Code made any one contracting with the state or a municipality who should require more than eight hours work of an employee guilty of a misdemeanor and punishable by a fine. As is pointed out in the opinion rendered

in the case the statute did not assume to punish a contractor for violating his contract but for doing the prohibited act, i. e., requiring more than eight hours labor from an employee, regardless of whether or not he had agreed by his contract not to require such a term of labor and even though his contract might have been made years before there was any legislation on the subject. It was held that this penal enactment could not be sustained as a police or health regulation because of the arbitrary distinction drawn between workmen employed on a State or municipal work and those performing similar labor under other contracts. The question of the effect of a violation of a provision of the contract not to employ workmen for more than eight hours was not involved in the case nor passed on by the court.

"The next case to be considered is *Atkins v. Kansas* (191 U. S. 207). There a statute of Kansas enacted that any one who having thereafter contracted with the State or a municipality for the performance of a public work should require or permit any workman to work thereon more than eight hours in a day should be punishable by fine and imprisonment. The relator was convicted and punished under this statute. His conviction was upheld by the Supreme Court of the State of Kansas and the case was taken to the Supreme Court of the United States by a writ of error. As the case came from the State court the only question cognizable by the Supreme Court of the United States was whether the legislation of Kansas was in conflict with the Federal Constitution. The question whether the legislation was in conflict with the statute of Kansas was not before the Federal court, nor did that court have any jurisdiction to pass upon it. The Supreme Court sustained the conviction. It held substantially two propositions. First, that so far as the Federal Constitution was concerned a municipality is a mere agency of the State and subject to the absolute control of the Legislature. Second, that the constitutional liberty of the contractor was not violated because he had no right to contract with the State or municipality except on such terms as the Legislature might prescribe. This case doubtless disposes of all claim that labor legislation of the kind now before us is in contravention of the Constitution of the United States, but it does not necessarily impair the authority of the decision in the *Rodgers* case, though it does affect part of the reasoning by which the conclusion in that case was reached. The prevailing opinion in the *Rodgers* case proceeded on two grounds; 1, that the Labor Law invaded the constitutional rights of the municipality; 2, that it invaded the constitutional rights of the contractor by depriving him of his liberty to contract with his employees and in confiscating the stipulated price for his work in case he failed to comply with its provisions. The second ground, the supposed invasion of the rights of the contractor, is entirely swept away by the decision in the *Atkins* case because, as pointed out by the Supreme Court of the United States, no man has any right to contract with the public, any more than with an individual, except on such terms and conditions as the State chooses to prescribe, and so far as the confiscation of his property, the contract price, is concerned, he never acquired any right to such payment except on the performance of the terms of his contract. The first ground of the decision in the *Rodgers* case, that the Labor Law was an unconstitutional violation of the city's rights and powers, is not, however, determined by the *Atkins* case. Though

a municipality has no rights as against the State protected by the Federal Constitution, its relation to the State government and the extent of the power of the Legislature to control it are to be determined exclusively by the provisions of the State Constitution, which may bestow upon a municipality such degree of autonomy as the people see fit. Hence, so far as the decision in the Rodgers case rests on this ground it is in no way impaired by the Atkins case.

"The last case we considered is that of *Ryan v. City of New York* (177 N. Y. 271). That case arose under the Labor Law, the plaintiff, an employee of the city, suing for the difference between the wages actually paid him by the city and the prevailing rate of such wages. It was there held by a majority of the court that the direction of the Labor Law that the city shall pay its employees the prevailing rate of wages was constitutional and imposed upon the city officers the duty of fixing wages at the prevailing rate, but that the acceptance by the employee of a different rate and his continuance in the employment of the city at such rate constituted a waiver of all claim on his part for greater compensation. The prevailing opinion in that case was written by the late chief judge of this court, who pointed out that there was no inconsistency between the disposition of that case and that of the Rodgers case, whatever conflict there might be between some of the arguments in the two cases. The distinction between the two cases, already foreshadowed in the concurring opinion of Landon, J., in the Rodgers case, is this: 'Where the municipality lets work by contract it is interested only in the result obtained, and if that result complies with the requirements of the contract it is immaterial to the city what the contractor's employees may have been paid or how long they may have worked. But where the municipality itself undertakes the construction of a public work there it assumes the risk of success or failure in the performance of the work, and the Legislature, in such control of a municipality as it has frequently exercised, for instance in directing the opening of a particular street, the building of a particular court house, the acquisition of particular land for a park and the like, might, in the belief and judgment that good work was best obtained by good pay and moderate term of labor, direct the rate of wages to be paid and the time laborers were to work, as it has done in the case of State work, the validity of which we have upheld (*Clark v. State of N. Y.*, 142 N. Y. 101). So, doubtless, the Legislature, in the interest of economy, could prescribe a maximum rate of wages, which the city in the employment of labor could not exceed. It thus appears that there is a clearly appreciable distinction between the two cases and that the authority of the Rodgers case still obtains."

"If, despite the decision of the Supreme Court of the United States in the Atkins case, the claim that the provisions of the Labor Law violate the liberty or rights of the contractor is to be treated as still open, I desire to add a few words. I fear that the many outrages of labor organizations or of some of their members have not only excited just indignation, but at times have frightened courts into plain legal inconsistencies and into the annunciation of doctrines which, if asserted in litigations arising under any other subject than labor legislation, would meet scant courtesy or consideration. 'The notion that a contractor can acquire any title or right to the compensation stipulated by the contract to be paid to him except on compliance with the terms and conditions upon which it was agreed to be

paid, and may successfully assert that though he has intentionally violated his contract he is still entitled to his compensation, seems to me one of those fallacies that would never gain currency save in labor litigations. If the contract into which the relator entered with the city had not been invalid, because of want of power in the Legislature to prescribe that character of contracts for municipalities, on what basis would the relator's claim rest? *The city never agreed to pay him the stipulated price absolutely and unqualifiedly for the boats furnished, but only on condition that he should work his laborers thereon only eight hours, and to this qualification or condition he expressly agreed.\** Had the Labor Law otherwise been constitutional, what possible ground of complaint had he? He was to be paid, not for doing the work only, but for doing it in a particular manner, and the contract was entire. Who ever heard before this a claim that the forfeiture of the value of work done or material furnished under an entire contract by the failure of the obligor to completely perform it was an unconstitutional confiscation of property? Look at the elementary law of this State. In *Champlin v. Rowley* (13 Wend. 258), the plaintiff agreed to sell and deliver a hundred tons of hay. He delivered fifty tons, but failed to deliver the remainder. It was held that he could not recover for that which he had delivered. In *M'Millan v. Vanderlip* (12 Johns. 165), the plaintiff agreed to spin yarn for a specified price per run during a fixed term. He ceased work before the end of the term. Held he could not recover for the work he had done. In *Catlin v. Tobias* (26 N. Y. 217), the plaintiff's assignors contracted to sell and deliver to the defendant certain quantities of glass. They did furnish certain glass, which defendants used, but the deliveries were less than contracted for. Held the plaintiff could not recover for the glass delivered. In the cases cited the parties lost the value of their work or their materials because they did not live up to their contracts. If in this case the relator should meet the same fate because he has not lived up to his contract, why would a forfeiture be unconstitutional as to him and not unconstitutional in the other cases?

"But it is urged that the thing or condition in which he violated his contract was not material. To this it is a complete answer that the parties voluntarily contracted that it should be material, and that unless the relator complied with it he should get no pay. Here again the question is settled by authority, though not in suits arising under the Labor Law. *Foot v. Aetna Life Insurance Company* (61 N. Y. 571), was an action on a life insurance policy; defense, breach of warranty of the truth of statements made in the application for insurance. It was urged for the plaintiff that the statement alleged to be false was immaterial. To that claim this court, through Judge Earl, said: 'Parties to insurance contracts have the right to make their own bargains as in other cases. \* \* \* All the representations of the assured contained in the policy by being written therein or incorporated therein by reference to the proposals are warranties, and must be substantially true, or the policy will be void. *It matters not whether the representations are material or not. The parties made them material by inserting them, and it matters not if the parties insured made the untrue statements innocently, believing them to be true.*' I ask if an insurance company may make such character of contract as it sees fit by that contract

\* Not italicized in the original.

may make a thing material which, in fact, is not so, why may not other parties do the same? Or rather (*this is the real question*) why is it unconstitutional for the Legislature to confer on other parties the same liberty of contract and to direct that for a breach of the contract the same results shall follow in one case as in the other, even though the breach relates to a 'fantastic' thing? Why is it not just as much unconstitutional confiscation that the estate of a deceased should forfeit all the premiums paid by him under a policy because of a mistake in the statement of the cause of death of his stepmother, as in the case of this relator?

"I am entirely willing to accept the illustration of a contractor agreeing that his workmen shall wear black hats and shoes. The proposition on behalf of the relator then is that there is not power in government, or at least not in any government which guarantees its citizens against deprivation of property except by due process of law, to enact that a party who has agreed that, as a condition of his being entitled to receive his pay, his workmen will, in the performance of the work, wear black hats and shoes, shall by a deliberate violation of his contract in that respect, lose his right to recover. Pray why? How would it violate the inherent liberty of the person or the fundamental rights of property to compel a man to live up to his bargain even in immaterial and foolish requirements.

"It is said that the decision in the Atkins case sustaining the validity of the appellant's imprisonment is not an authority for the proposition that his contract pay may be taken away for the same offense, and it is contended that such summary forfeiture is not 'due process of law.' Here again I shall refrain from discussing the subject on principle, but simply refer to what I deem conclusive authority on the question. For a century past, in this State, usury has been a crime punishable like other misdemeanors. During the same period the law has made all securities taken for the usurious debt absolutely void, and the lender forfeits to the borrower the whole amount of his loan. He can recover nothing. Yet, there is no judicial procedure taken to forfeit the lender's money. When he sues to recover his loan the borrower may set up the defense of usury, the lender is beaten and loses his money. In the present case the relator sues for his pay; the city defends on the plea that the relator has violated his contract in a respect which the law makes a ground for an entire forfeiture of the contractor's pay. If the statute were otherwise constitutional why would it be a violation of due process of law to give effect to that defense in a suit by the contractor any more than to give effect to the defense of usury in a suit by the lender? The most ingenious casuist cannot suggest a distinction in principle between the two cases in this respect.

"It is finally suggested that the relator did not voluntarily assent to the obnoxious terms of his contract, but was compelled to do so. Let us return to the hypothetical case of an insurance policy. Suppose the plaintiff, in an action on the policy, in answer to the defense of breach of warranty, contended that the deceased protested against making statements as to the cause of the death of his stepmother, of which he may have been ignorant, but was compelled to do so by the company's refusal otherwise to issue the policy. No one will deny that such a claim would be too frivolous to be listened to. The claim of the relator in this respect is exactly the same, and the answer to both is that no man has a right either to an insurance

policy or to a contract for work except on just such terms and conditions that the other contracting party prescribes. If one does not like the terms of an insurance policy or of a contract, his remedy is not to accept it. The decision about to be made can, therefore, stand only on one ground, the unconstitutional interference of the Legislature with the right of the municipality. That proposition having been explicitly decided in the *Rodgers* case, I feel it my duty to follow it regardless of my own opinion on the question."

The orders of the Special Term and the Appellate Division must, therefore, be reversed and the application for the writ of mandamus granted, with costs in all the courts.

#### CONCURRING OPINION OF JUDGE O'BRIEN.

I agree with Chief Judge Cullen that the statute interposed as the sole defense to the relator's claim is void for the reason that it violates the State Constitution, but I do not concur in all the reasons and arguments upon which a perfectly correct conclusion seems to be based. My reasons for concurring in the general result and dissenting from at least one proposition in the opinion are these:

We certainly decided in the *Rodgers* case that this same statute which required the contractor at the peril of forfeiting all the fruits of his contract to pay to his workmen what is termed the prevailing rate of wages was in conflict with the Constitution, and, therefore, void. There cannot, of course, be any sound distinction between the clause of the statute which attempts to regulate wages and the clause which attempts to limit the hours of work. Both provisions were enacted at the same time for the same or similar purpose and any valid reason for condemning the former applies to the latter. Moreover, the *Rodgers* case when decided had the support of a previous decision of this court (*People ex rel. Warren v. Beck*, 144 N. Y. 225), and was followed and recognized as the law until the *Ryan* case was decided, which introduced the distinction between the city itself as the employer of labor and the contractor. (*People ex rel. Treat v. Coler*, 166 N. Y. 149; *People ex rel. Rodgers v. Coler*, 166 N. Y. 8; *People ex rel. North v. Featherstonhaugh*, 172 N. Y. 112.) I will not stop to consider or make any comments upon that distinction. My views in that regard appear in the report of the case. I will only add now that the distinction, even if sound, can be of no practical importance, since the city can always circumvent or evade it by employing contractors.

One of the grounds upon which the *Rodgers* case rests is that the statute there considered and now before us deprived the contractor of his property without due process of law, and the learned chief judge, as I understand the opinion, asserts that this ground has been entirely swept away by the case at *Atkins v. Kansas* (191 U. S. 207). I do not concur in that view. Since that case is being constantly cited as authority for all kinds of paternal legislation, it may not be amiss to analyze it to the end that we may know just how far it goes and what it decides. It is certainly important to know how far it overrules any of the principles involved in the decision of the *Rodgers* case, since it is not at all likely that this is the last case that will be before the court arising out of these labor suits. The learned chief judge states in his opinion that our statute and the Kansas statute

are substantially the same. That is a very important point in the discussion. With great respect I must say that in this he is, as I think, greatly mistaken. There is a very wide difference between the two statutes in their scope and purpose, as will be seen upon careful examination and reflection. That will be quite apparent when we consider what the two statutes accomplish or attempt to accomplish and the bearing of our own statute upon this case.

It is an undisputed fact that the relator in this proceeding delivered to the city property, the contract price of which exceeded \$28,000. The relator furnished this property at his own expense and the city now has it and uses it as its own. The statute, so far as the relator is concerned, confiscates this property, since it deprives him of the right either to have it returned or to enforce collection of the purchase price. It permits the city to declare the contract null and void, to retain the property and grants it immunity from any obligation to pay and furnishes a defense to any suit or proceeding brought by the contractor to recover the contract price. The city has agreed to pay for the property, but the statute now before us forbids such payment and furnishes the city with a good defense if the law is valid. All this is sought to be accomplished, not by any judicial proceeding or legal process, but by a legislative edict "as sweeping and relentless as the torch of Omar." It would seem to be scarcely possible that any one could argue himself into the belief that such a law does not violate the constitutional guaranties for the protection and security of private property and the sacredness of contracts. It is difficult to see how any court could hold that such a law does not interfere with property rights, contract obligations and all remedies for their enforcement, but, as I understand the opinion, just such a decision is imputed to the highest court in the land, since it is asserted that one of its decisions has swept away all ground for the claim in this case and from our judgment in the Rodgers case that the statute in question deprives the contractor of his property without due process of law.

In my opinion the Kansas case does not decide any such proposition and does not sweep away what we held in the Rodgers case, and should hold in this case, namely, that the statute in question violates the Constitution of the State in that it deprives the relator in his case, as it did the relator in the Rodgers case, of his property without due process of law. In order to get a clear view of the question before the Federal court and what the case decides, it ought to be examined with some care. The learned chief judge is quite correct when he states that only one question was before the court, and that was whether the State statute violated the Federal Constitution in that it deprived the defendant in the case of his *liberty* without due process of law. It certainly did not assume to deprive him of anything else. The court had before it for construction a statute widely different from our own, since the only remedy prescribed for its enforcement was by indictment and criminal prosecution. It was a great criminal case, based upon a criminal statute, that obviously contained no such drastic remedies for enforcement as are to be found in the statute now before us. It did not assume, as our statute does, to destroy or confiscate the contractor's property, or to annul his contract, or to deprive him of any remedy for the collection of the fruits of his contract. It did not touch the contract at

any point, nor the money earned upon it. It simply subjected his person to incarceration for violation of the law, and after conviction all his remedies against the city for collecting the price of his work were left intact. He could enforce his claim against the city for the money earned on the contract just as well after conviction as he could before. The wide difference between the Kansas statute and our own will thus be seen at a glance. The former simply punishes the contractor for a specific act or omission, while the latter deprives him of all property rights under his contract, which with us frequently amounts to thousands and even millions of dollars.

The Kansas case decides nothing except the single proposition that the defendant in the case having voluntarily entered into the contract was not deprived of his personal liberty by the statute. That was the sole question before the court and the decision does not conflict in the least with anything decided in the Rodgers case, except possibly what was there said with respect to the personal liberty of the contractor so far as that was supposed to be involved in the right to make contracts with his workmen. There is not a word in the opinion of the court, as I now recall it, with respect to the effect of the statute upon the property rights of the contractor, and for the plain reason that the statute did not assume to disturb or interfere with these rights at all. How very different then is that case from the Rodgers case and the case at bar? It is quite conceivable that a statute may be good which assumes to punish a municipal contractor for violation of some law in the execution of the contract, but it would not follow by any means that it would also be valid if it assumed to deprive the contractor of all rights under the contract when executed. The Legislature has the undoubted power to punish a person criminally for shooting game out of season in this State, but if it should attempt to deprive him at the same time, summarily, of the ownership of his gun, a very different question would be presented. The Legislature has ample power to make it a crime for a person to disturb his neighbor's oysters lawfully planted in public waters, or to remove the stakes or buoys placed in the water to mark the locality where the oyster beds have been so planted, but it has no power to confiscate the boats or other water craft used in unlawfully removing the oysters and thus violating the statute. (*Colon v. Lisk*, 153 N. Y. 188.) Such cases illustrate the distinction between statutes that assume to punish as crimes forbidden acts and those that assume to confiscate property or to destroy the obligations of contracts. The Kansas statute punishes an act or omission as a crime, while our statute attempts to confiscate property. If I have succeeded in showing in this brief review of that case that it does not decide any such proposition as is claimed, it is quite unnecessary to extend the discussion.

There is, however, one feature of that decision which although not discussed at all in the opinion, is of considerable interest, and that is what seems to be the practical concession on the part of the court of the omnipotence of a State Legislature in the creation of new crimes. It is virtually held that the Kansas Legislature had the power to make it a crime for a municipal contractor to *permit* his employees to work five minutes more than eight hours in the day even though the servant wanted to work and the employer was willing to pay extra wages. Of course if the Legislature could make it a misdemeanor to permit this, it could make it a felony, and



if all this is so there would seem to be no limit to the power of a State Legislature in that respect. Whatever may be the law of Kansas, or the law in the Federal courts in that respect, it is quite certain that this court has held that the power is limited and that the Legislature has no power to denounce as crimes acts which in their nature and consequences are innocent and harmless (*People v. Gillson*, 109 N. Y. 389; *People v. Arensberg*, 103 N. Y. 388; *People v. Marx*, 99 N. Y. 377; *People v. Hawkins*, 157 N. Y. 1; *Matter of Jacobs*, 98 N. Y. 98.)

It is quite true that this court has recently held that the Legislature could make it a criminal offense for a baker to permit his workmen to work more than ten hours in the day (*People v. Lochner*, 177 N. Y. 145), but the struggle in that case was to make what some of us thought was a labor law a health law, and so within the police power. Nothing of that kind was claimed for the Kansas statute, or is claimed. Indeed it was expressly held that it could not come within that class of statutes enacted for the promotion or protection of health. But this is a digression that has little, if any, bearing on the case at bar. The only question that we are now concerned with is this: "Does the case of *Atkins v. Kansas* decide that the statute now before us, and which was before us in the *Rodgers* case, is free from the constitutional objection that it deprives the contractor of his property without due process of law?" In my opinion it does not and could not, since no question of that kind was presented by the statute or by the case, and so I conclude that that decision has not swept away one of the most important grounds upon which one of our own decisions rests. The fallacy of the argument that gives such effect to the Kansas case consists in the assumption that because the court held that the Kansas statute does not unduly interfere with personal liberty, it, therefore, held that our statute does not invade the rights of private property. There was no question in the case in regard to the deprivation of the contractor of his property. It is obvious that a case which deals only with the question of personal liberty cannot be an authority to overthrow our decision in the *Rodgers* case, based as it was upon an entirely different statute, which invades and was held by us to invade the constitutional safeguards of private property. When we consider that the Kansas statute was not aimed at the contractor's property and does not interfere in the least with his contract or its fruits, or deprive him of the right to sue upon it, or authorize it to be canceled or destroyed, and that our statute expressly does or attempts to do all these things, thereby providing for the destruction of all the contractor's property rights, even to the extent of forbidding any municipal officer to pay him for his work, the wide difference in the destructive power of the two statutes must be apparent. The only reason why the present case is now before us is that the city authorities refused to pay the relator the contract price of the property which he delivered to the city and which the city retains and uses as its own. Except for this statute the comptroller would have paid the claim, and his excuse for refusing to pay contained in the record is simply that the statute forbids him to pay and makes it a public offense if he does. Hence, I think it is plain that the decision in the Kansas case did not and could not sweep away any support which the *Rodgers* case has in the proposition that our statute violated the Constitution in that it deprived the contractor of his property without due process of law.

I have a word to say with respect to the latter part of the opinion. The proposition that a law cannot be unconstitutional which simply requires a party to perform his contract before he can recover upon it cannot of course be disputed, and if that is what this statute means, and all it means, it is probably about as harmless and useless a law as ever was enacted. I assume that the Legislature never supposed that it was necessary to pass a statute forbidding a party to enforce a contract that he had himself violated or had not performed. That has been the law from time immemorial, and of course is the law still. If the relator in this case has not performed his contract, he cannot recover and is entitled to no relief. If he has not performed his contract it is not of the slightest consequence whether the statute in question is constitutional or not. In that aspect of the case the statute is not involved in the discussion. But the relator has performed his contract. He has produced and delivered to the city the property which was the subject-matter of the contract and the city neither refused to accept nor offered to return it, or made any objection on the ground of non-performance. Even if such an objection could survive delivery and acceptance of the property, it would have no basis whatever in the facts of this case. If we inquire wherein or in what respect the relator has failed to perform, the answer is that he stipulated not to permit his workmen to work more than eight hours a day. That is the head and front of his offending. That is the breach and the only breach that is claimed. It was not of the slightest consequence to the city whether he permitted his workmen to labor eight hours or nine, so long as he produced and delivered the property that he agreed to deliver. It is a fair test of the importance of that objection to inquire whether the city could have maintained any action against the contractor for the so-called breach. Of course, it could not, for the plain reason that the act of the relator in regulating the hours of work was immaterial and entirely foreign to the subject-matter of the contract. If the contractor had stipulated that his workmen should wear black hats and boots instead of shoes, a breach of that condition, if it is a condition, would not furnish the city with any cause of action or any ground of defense. The obstacle that is in the relator's way when he seeks to recover the \$28,000 which the city agreed to pay him as the price of the property delivered is not the stipulation in the contract, but the statute. I doubt if any one would even suggest that if there was no eight hour statute that the stipulation in the contract would be regarded as of the slightest importance. A breach of contract can never be urged as a cause of action or defense unless the breach is of some stipulation that is material considering the subject-matter of the contract. Stipulations with respect to some extraneous matter, or such as that now under consideration, are not material.

Finally it ought to be observed that this very question was presented, discussed and decided in the Rodgers case. The last paragraph of the opinion is devoted entirely to that question, and it was held that the omission on the part of the contractor to keep this stipulation was entirely immaterial, and no obstacle to his right to enforce the contract. We held that if the statute was not valid the stipulation was not binding, and I fail to find anything in the Atkins case that overrules what we then decided in that regard.

## DISSENTING OPINION OF JUDGE HAIGHT.

I did not agree to the conclusion reached by this court in the case of *People ex rel. Rodgers v. Coler* (166 N. Y. 1), but after that decision was made I regard it my duty to yield obedience thereto and to follow it in cases involving the question then raised and disposed of. But, to my mind, very different questions are now presented. That case involved the constitutionality of the provision of the Labor Law requiring contractors upon public works to pay their employees the prevailing rate of wages. The case now before us calls for a determination as to whether the provision of the Labor Law is constitutional which prohibits contractors upon such works from requiring more than eight hours of labor in a day from their employees. The power of the Legislature to enact laws based upon considerations of public policy or for the protection and preservation of the health of the people is beyond question. It may limit the number of hours that a person shall be required to work in underground mines, smelters or institutions for the refining or reduction of ores and metals. It may limit the period of service where the person performing the labor is required to work beneath the surface of the earth or in other places where the operative is deprived of fresh air and sunlight and is frequently subjected to foul atmosphere, a very high or low temperature, or to the influence of noxious gases. It may also limit the hours of labor that shall be performed by employees in bakeries. (*People v. Lochner*, 177 N. Y. 145; *Holden v. Hardy*, 169 U. S. 366.) The requiring of a person to work twenty hours out of twenty-four, or of twelve hours per day in the digging of a deep sewer, or in the sweeping and cleaning of a street in extremely hot or cold weather, or in the lifting of heavy stones, or other work requiring violent exercise of the body and the muscles thereof may impair the health of the individual. It might not be deemed wise public policy to permit a contractor upon public works to require ten or twelve hours service in a day while a municipality for similar services could exact but eight hours. The State, in enacting laws, must act in accordance with the common experience of mankind and within reasonable bounds, and when so acting it determines, either in the exercise of its police powers in the promotion of health or as a matter of public policy, that the general welfare of employees, mechanics and workmen, upon whom rest a portion of the burdens of government, will be subserved by limiting the hours of labor to be performed to eight continuous hours per day, and that such limitation will promote their morality, physical and intellectual condition. I think the courts cannot properly say that the limitation is unreasonable or that it violates the provisions of the Constitution. (*Atkins v. Kansas*, 191 U. S. 207.)

Neither the question of public policy nor of the health law was raised or determined in the *Rodgers* case, and, therefore, I do not regard it as controlling upon the determination of the questions raised in this case.

Werner, J., concurs with Cullen, Ch. J.; Martin and Vann, JJ., concur with O'Brien, J.; Haight, J., reads dissenting opinion; Gray, J., absent.

Order reversed, etc.

## FOURTH ANNUAL REPORT—LABOR LEGISLATION IN 1904. I.171

### (11) PREVAILING RATES OF WAGES LAW CONSTITUTIONAL SO FAR AS IT RELATES TO STATE OR MUNICIPAL EMPLOYEES.

[*Ryan v. City of New York*; argued Nov. 12, 1903; decided by the Court of Appeals Jan. 29, 1904; 177 N. Y. Rep. 271.]

#### PREVAILING OPINION, BY CHIEF JUDGE PARKER.

There are two questions presented by this review. The first is, Has the Legislature power to provide that its employees and those of the several municipalities shall receive "not less than the prevailing rate" of wages in the locality? In other words, has the Legislature—which possesses all the power of the sovereign not expressly withheld by the Constitution—power to provide that work done for it or its several subdivisions shall be paid for at such a rate as individuals and corporations in the same locality pay?

That question was before this court some years ago in so far as it affects the right of the Legislature to fix the rate of wages of laborers upon the works of the state. (*Clark v. State of New York*, 142 N. Y. 101.) In 1889 the Legislature passed an act (L. 1889, ch. 380) providing that the rate of wages upon the public works of the state should be \$2 a day. That was more than the then prevailing rate, and there were those who questioned the power of the state to interfere with its agents in fixing the wages of men working under them. They thought the superintendent of public works had the sole power of fixing wages of employees in that department, and, therefore, could defy the direction of the Legislature as to the amount of compensation to be paid, although he could disburse such moneys only as were appropriated by the Legislature. And they entreated the attorney-general to commence an action to have the court declare the impotency of the Legislature to interfere on the important subject of compensation to laborers. But when the case reached this court in 1894 the attorney-general was unable to point to the provision of the Constitution which divested the representatives of the people for all matters of legislation of this power, and vested it in the several inferior officials having charge of certain administrative duties conferred upon them in the majority of instances by acts of the same Legislature. The court—unaffected, as was its duty, by the argument that the statute was unwise and mindful that its duty was discharged fully and could only be discharged by declaring whether the Legislature had the power to enact the statute complained of—unanimously held that the power belonged to it. Judge O'Brien, writing for the unanimous court, says (142 N. Y. 101, 105): "There is no express or implied restriction to be found in the Constitution upon the power of the Legislature to fix and declare the rate of compensation to be paid for labor or services performed upon the public works of the State."

The principle of that decision controls this one. There the Legislature undertakes to fix arbitrarily the sum to be paid to every employee of the State. Here the Legislature undertakes to provide for the payment of not less than the prevailing rate of wages, not only to the direct employees of the State, but also to its indirect employees working in its several subdivisions—the cities, counties, towns and villages. In the administration of the affairs of those subdivisions, as well as in those of the State at large, the Legislature is unrestrained unless by express provisions of the Constitution. As expressed in *Rodgers' Case* (166 N. Y. 1, 29): "The authority of the State is supreme in every part of it and in all of the public

undertakings the State is the proprietor. For convenience of local administration the State has been divided into municipalities, in each of which there may be found local officers exercising a certain measure of authority, but in that which they do they are but the agents of the State, without power to do a single act beyond the boundary set by the State acting through its Legislature." Thus all of these agencies and employees in the several municipalities are doing the work of the State, which is the sovereign and master.

Nevertheless, we find that the argument is again made, as in 1894 in Clark's case, that the Legislature is without power to interfere with the agencies, it has created for the government of the municipalities. And this is said in the face of the decision in Clark's case, and notwithstanding the fact that the Legislature has the power at any time to absolutely change the form of government of a municipality, to blot out of existence any municipal charter, or to consolidate several municipalities under a single charter, as it did in the creation of Greater New York. And this argument is made in spite of the many well-known illustrations of the power of the Legislature to control the affairs of municipalities. The scope of that power is illustrated by the construction of the new aqueduct by a board created by the Legislature, the expense being charged upon the City of New York, although not a single officer of the city had a voice in controlling the expenditure of the millions that its construction involved; and by the act compelling the elevation of the Harlem railroad tracks in the city of New York, and the imposition of one-half of the expense, amounting to several millions, upon the City of New York, the work all being done through an agency created by the State.

Not only does the Legislature fix the salaries of the principal municipal officers throughout the State, but in the City of New York, where this case arises, it fixes the rate of compensation for many laborers. The street cleaning department will serve as an illustration. The charter provides for the payment of definite sums in some cases, and for a maximum sum in others, for a force numbering over 5,000 employees in that department, and including 3,100 sweepers and 1,600 drivers, hostlers and stable foremen. The charter in this respect has the support of Clark's Case (*supra*). Now there are a few mechanics connected with the department whose compensation is not fixed by the charter, and who, therefore, come under the prevailing rate provision of the Labor Law. Their compensation could be fixed of course at a definite sum as that of the other employees is, but instead it is provided in effect that they shall be paid at a rate not less than that paid by others for similar services in that locality. Certainly no one can argue that the Legislature can provide that the street sweeper shall be paid—for example—\$2 a day, but cannot provide that he shall be paid the prevailing rate of wages when that happens to be \$2. But if one can be found who will attempt to make such an argument surely it can be safely said that he cannot find a constitutional provision upon which to rest it.

Since the foregoing was written the opinion of the United States Supreme Court in *Atkin v. State of Kansas* (191 U. S. 207) has been brought to our attention. It is in point and decides the question in accordance with the views we have already expressed. A Kansas statute provides that

"Eight hours shall constitute a day's work for all laborers, workmen, mechanics or other persons now employed, or who may hereafter be employed by or on behalf of the State of Kansas, or by or on behalf of any county, city, township or other municipality of said State. \* \* \* Not less than the current rate of per diem wages in the locality where the work is performed

shall be paid to laborers, workmen, mechanics and other persons employed by or on behalf of the State of Kansas, or any county, city, township or other municipality of said state. \* \* \* All contracts hereafter made by or on behalf of the State of Kansas or by or on behalf of any county, city, township or other municipality of said state, with any corporation, person or persons, for the performance, of any work or the furnishing of any material manufactured within the State of Kansas, shall be deemed and considered as made upon the basis of eight hours constituting a day's work.'

A violation of the statute is a misdemeanor. Atkin made a contract with a municipality—Kansas City—to pave a street. He was convicted under the statute, and the conviction affirmed by the Kansas Supreme Court. It was argued before the United States Supreme Court that the statute violates the 14th amendment in that it deprives the contractor of his liberty and property without due process of law, and denies him the equal protection of the laws. The court holds that the statute does not violate the 14th amendment, and in the course of the opinion, written by Mr. Justice Harlan, says:

" 'If a statute,' counsel observes, 'such as the one under consideration, is justifiable, should it not apply to all persons and to all vocations whatsoever? Why should such a law be limited to contractors with the State and its municipalities? \* \* \* \* \*

\* \* \* \* \* Why should the law allow a contractor to agree with a laborer to shovel dirt for ten hours a day in performance of a private contract, and make exactly the same act under similar conditions a misdemeanor when done in performance of a contract for the construction of a public improvement? Why is liberty with reference to contracting restricted in one case and not in the other? ' These questions—indeed, the entire argument of defendant's counsel—seem to attach too little consequence to the relation existing between a state and its municipal corporations. Such corporations are the creatures, mere political subdivisions, of the State for the purpose of exercising a part of its powers. They may exert only such powers as are expressly granted to them, or such as may be necessarily implied from those granted. What they lawfully do of a public character is done under the sanction of the State. They are, in every essential sense, only auxiliaries of the State for the purposes of local government.

"They may be created, or, having been created, their powers may be restricted or enlarged, or altogether withdrawn, at the will of the Legislature; the authority of the Legislature, when restricting or withdrawing such powers, being subject only to the fundamental condition that the collective and individual rights of the people of the municipality shall not thereby be destroyed. [Citing several cases, the last being *Williams v. Eggleston*, 170 U. S. 304, 310.] In the last cases cited we said that 'a municipal corporation is, so far as its purely municipal relations are concerned, simply an agency of the State for conducting the affairs of government, and as such it is subject to the control of the Legislature.'"

The court quotes with approval from the opinion in *City of Clinton v. Cedar Rapids & Missouri River R. Co.* (24 Iowa, 455, 475): "Municipal corporations owe their origin to, and derive their powers and rights wholly from, the Legislature. It breathes into them the breath of life, without which they cannot exist. As it creates, so it may destroy. If it may destroy, it may abridge and control. Unless there is some constitutional limitation on the right, the Legislature might, by a single act, if we can suppose it capable of so great a folly and so great a wrong, sweep from existence all of the municipal corporations in the state, and the corporation could not prevent it. We know of no limitation upon this right, so far as the corporation themselves are concerned. They are, so to phrase it, the mere tenants at will of the Legislature." After referring to the possible motive of the Legislature in making the statute, the court continued:

"We have no occasion here to consider these questions, or to determine upon which side is the sounder reason; for, whatever may have been the motives controlling the enactment of the statute in question, we can imagine no possible ground to dispute the power of the State

to declare that no one undertaking work for it or for one of its municipal agencies should permit or require an employee on such work to labor in excess of eight hours each day, and to inflict punishment upon those who are embraced by such regulations and yet disregard them. It cannot be deemed a part of the liberty of any contractor that he be allowed to do public work in any mode he may choose to adopt, without regard to the wishes of the State. On the contrary, it belongs to the State, as guardian and trustee for its people, and having control of its affairs, to prescribe the conditions upon which it will permit public work to be done *on its behalf, or on behalf of its municipalities*. No court has authority to review its action in that respect. Regulations upon this subject suggest only considerations of public policy. And with such considerations the courts have no concern."

The case under consideration is not controlled by Rodgers' Case (166 N. Y. 1). The decision in that case is that so much of the statute as in effect requires a contractor for municipal work to agree that he will pay his workmen not less than the prevailing rate of wages, and makes the contract void if he fails to pay at such rate, at least, is unconstitutional. It is said by the court in support of that decision that the statute invades rights of liberty and property in that it denies to the contractor the right to agree with employees as to the rate of compensation, and imposes a penalty upon the right of the contractor to agree with employees upon terms of employment. It is true that in one of the prevailing opinions argument sufficiently broad to cover this case is made, but it is not necessary for the decision, and is obiter, and, therefore, need not be followed. Our conclusion is that so much of the statute as is involved in this case is constitutional.

The second question presented by the record is: Did the plaintiff waive his right to insist that his compensation should be at the prevailing rate of wages for rammers in the City of New York? Section 3 of the Labor Law does not attempt to fix in dollars and cents the wages to be paid to those employed on state or municipal work, but provides that such wages "shall not be less than the prevailing rate for a day's work in the same trade or occupation in the locality." The statute, therefore, made it the duty of the person charged with employing plaintiff to ascertain the prevailing rate of wages for similar services in the city, and then to fix the compensation at that amount, or a still greater one, and by the section following the Legislature undertook to assure such action by the officials commanded to fix wages at *not less* than the prevailing rate by providing that an official violating the provisions of the act would be guilty of malfeasance in office, and be suspended or removed.

We must assume—in view of the fact that the question arises from a demurrer to the complaint—that all of its allegations are true, and that the officer employing the plaintiff did not obey the statute, and hence became subject to its penalties. But that fact in nowise aids the plaintiff in his present contention. He had been in the employ of the city for some time prior to May 10th, 1894—when the statute went into operation—at the rate of \$3 a day, and that sum the city continued to pay, and he to receive without protest, for a period of six years. The prevailing rate of wages for that period was \$3.50 a day, and the employing officer should have fixed plaintiff's wages at that sum or greater. But he did not do it, and while the plaintiff could have properly insisted that the officer should heed the command of the statute in that respect, he chose instead to continue in the service of the city without objecting to the compensation.

Now, "it is well settled by authority that a man may waive any right

that he has, whether secured to him by contract, conferred on him by statute or guaranteed him by the Constitution." (People ex rel. McLaughlin v. Bd. Police Comrs., 174 N. Y. 450, 456, and cases cited.) And the legal effect of plaintiff's action in accepting from time to time during a period of six years, without protest, the wages paid to him by the city, was to waive any claim that he might have had at the time to insist that the employing officer should fix his rate of compensation at a greater sum than he did.

It follows that plaintiff is not entitled to recover.

The judgment should be affirmed, with costs.

#### CONCURRING OPINION BY JUDGE O'BRIEN.

This was an action to recover arrears of wages claimed by the plaintiff to be due to him. The plaintiff alleges in his complaint that the defendant is indebted to him in the sum of six hundred dollars for arrears of pay as a laborer on the streets at the rate of fifty cents per day for each work day that he was employed by the defendant during a period of about six years and paid at the rate of three dollars per day. In substance, his claim is that, during all this time, he was not paid enough and if the city had obeyed that provision of the Labor Law requiring it to pay "the prevailing rate of wages" he would have received three dollars and fifty cents per day.

The defendant demurred to the complaint on the ground that it did not state facts sufficient to constitute a cause of action. The courts below sustained the demurrer and the plaintiff has appealed to this court from the judgment. The complaint alleges that, prior to the enactment of the Labor Law on May 10, 1894, the plaintiff had been in the employ of the city as a laborer on the streets and was paid therefor at the rate of three dollars per day, but claims no arrears of pay on account of such services. It is then alleged that the Labor Law was enacted on May 10, 1894 (Chap. 622, Laws of 1894), and that the plaintiff from that date became entitled to receive wages at the prevailing rate, and that such rate, upon the law taking effect, became three dollars and fifty cents per day. It is then stated that, after the law went into effect, the plaintiff continued to work in the same capacity by the day during about six years, to the first of January, 1900, working in all twelve hundred days and was paid therefor at the rate of three dollars for every day, or three thousand six hundred dollars in all, whereas if the prevailing rate of wages law had been observed he would have received four thousand two hundred dollars. The difference between these two amounts is the sum for which judgment is demanded.

It appears, therefor, from the face of the complaint that the plaintiff worked for the defendant before the law took effect and for six years after, receiving the same wages after the law as before. The course of dealing between the parties during such a long period of time, in the absence of some allegation of fraud, mistake, or of a right expressly reserved, justifies the legal inference that there was a contract between the parties, expressed or to be implied, that the plaintiff was to receive for his work three dollars per day and no more, or that he has waived all claim under the statute. When a servant sues the master for wages, alleging that he worked by the day for more than six years, and was paid for each day's work at the rate of three dollars per day, and makes no claim or allegation



that he ever asked any more, or ever objected on the ground that he had not been paid enough, or that he reserved the right to demand more in the future, or that there was fraud or mistake in the dealings, the legal conclusion from the facts must be that there was a full settlement between the parties or an agreement as to the rate of wages, or a waiver of any other claim. *McCarthy v. Mayor, etc., of N. Y.* (96 N. Y. 1). I understand that there is no difference of opinion in this court on this point, and, if not, then the case is decided and it is not necessary to discuss the validity of the Labor Law. That question, as I think, is no longer open in this court. (*People ex rel. Rodgers v. Coler*, 166 N. Y. 1; *People ex rel. Treat v. Coler*, Id. 149; *People ex rel. Lentilhon v. Coler*, 168 N. Y. 8; *People ex rel. North v. Featherstonhaugh*, 172 N. Y. 112; *People v. Orange Co. R. C. Co.*, 175 N. Y. 84.) It is, however, supposed to be necessary or useful to reopen that controversy and to make a fanciful distinction between the decisions already made and the case at bar. There can be no sound distinction in the application of the statute to the direct and immediate employees of a city and the case of an independent contractor who has not observed the law. The contention that in the former case the law may be held good though it may be void as to the latter is not based upon any sound reason and is in conflict with the authorities cited. The defendant's charter provides that certain public work, involving the expenditure of money beyond a certain designated amount, must be done by contractors whose bid for the work is the lowest or most favorable to the city, and as to work below this amount it may be done by the city itself directly through its own employees. We have certainly held that, as to the former class of work, the statute with respect to "the prevailing rate of wages" is void, although in that case the city inserted "the prevailing rate of wages" clause in the contract. It is now earnestly contended that there is a distinction to be observed with respect to the validity of the law when applied to the same class of laborers working for a contractor and those working for the city. That as to the former the law is in conflict with the Constitution, while as to the latter it is perfectly valid. Just how the law can bind the city and not bind the contractor is difficult to conceive, since the latter is an instrument of the former in carrying out the purpose of its incorporation. The contractor has no standing to question a valid law under which the city acted when entering into a contract with him. I will only add that, to my mind, there is something preposterous in the proposition that this statute cannot, as we have held, bind a contractor digging a sewer on one side of a street, while it can and does bind the city superintendent of streets repairing a pavement on the other side. But if the question was a new one there is, I think, but little difficulty in its proper solution. The question, in its last analysis, is a very simple one, and that is whether a mandatory statute which requires a city to pay to its employees a fixed sum as compensation for their work or as wages is a constitutional exercise of legislative power.

There can be no distinction in this respect between a statute which fixes the wages of servants directly in dollars and cents at so much per day or so much per hour and a statute which fixes minimum wages by some known or ascertainable rule or standard. The statute requiring the defendant in this case to pay to its workmen a sum described as "the prevailing rate of

wages" is, under the circumstances of the case, just as objectionable as if it specified the sum to be paid, since in the one case as well as in the other the city is deprived of the right to make contracts with its employees, fixing the rate of wages, and of all discretion with respect to the same. Considering the power of the Legislature over this subject, the question is not always what has been done but what may be done, if the power claimed be conceded. If, in this case, the statute had fixed the plaintiff's wages at five dollars per day there could be no objection made to the law that cannot be made now. If the statute in that case would be bad then the law in its present form is open to the same objection. We learn from the complaint in this case the important fact that just as soon as the statute went into operation "the prevailing rate of wages" instantly rose over fifteen per cent, which is an object lesson throwing much light upon the nature of the power assumed in the passage of the law. It simply means that the Legislature has the power to raise or depress wages at pleasure under the vain hope or excuse that the changes will be confined to the boundaries of cities.

There is no attempt made, and obviously none can well be made, to bring the law within the scope of the police power. It cannot be said that it is a law to promote the public health, or public safety, or public order, and no element can possibly be injected into it to render it valid as a police regulation. There is but one ground, if I understand the argument, upon which this law is defended, and that is, when stated in the broadest way, that cities have no rights that the Legislature may not regulate and change at pleasure, since cities, it is said, are created and exist only by the will of the Legislature and that the power to which they owe their existence is supreme over every detail of their internal affairs; that a city is but an agency of the State that the latter may command, coerce or direct at will. Arguments that contain a considerable element of truth are often difficult to answer, even though when considered as a whole they may be unsound and quite misleading, as this argument certainly is. It is often said in a very general way that cities and other public municipal corporations are agencies of the State, and that is true in so far as they are invested with powers, political or governmental, but surely no one will claim that the relation of principal and agent exists between the State and its several municipalities. Agency is a relation that is generally founded in contract, and the agent, within the scope of his powers, speaks and acts for his principal and so binds him. The principal may impose his will upon the conduct of the agent by commanding him what to buy and what to sell and he may fix the price at his pleasure. But it is scarcely necessary to argue that no such relation can possibly exist between the defendant and the State. The City of New York is not an agent of the State in the sense that the Legislature may dictate what price it must pay for property or labor that it may need in the conduct of its local affairs. If this were so, then there can be no such thing as home rule for cities and the idea apparently so popular and so much commended is a delusion.

The precise question that we have to deal with here is whether the most important city on this continent, if not in the world, has got such a measure of autonomy and home rule as to render it independent of legislative

interference, at least with respect to the price that it shall pay for common labor or other property that it may require in performing its functions as a local government. It would be of very little use to provide, as the Constitution of this State does, that local officers in cities must be either elected by the people or appointed by some local authority, if it still remained in the power of the Legislature to prescribe, by statute, to the officers who are elected to take charge of the streets or public works, the minimum wages which the city must pay for labor, or the price it must pay for property, thus depriving the officer of all judgment and discretion in regard to his duties. If a local officer, as the representative of the city, is not left free in this respect he cannot be said to be acting in the exercise of his own judgment or in the interest of the locality but simply obeying the will of the central power. A corporation, whether public or private, is a person within the meaning of the constitutional guaranties for the security of liberty, property and the equal protection of the law. If, therefore, the Legislature may not dictate, by statute, to a private person or corporation what he or it shall pay for property, or the rate of wages to be paid to employees, I fail to see where it can get the power to dictate to the city the wages it must pay to the men it must employ in the care of its streets or other public works. If the Legislature can deprive a city of the right to hire its own laborers at such wages as they can mutually agree on, why can it not deprive every corporation of the same right? A private corporation is just as much a creature of the State as a public corporation, but no one has yet contended that a law fixing the rate of wages for a private corporation would be good. When the State creates a corporation, public or private, and sends it forth upon its mission, it becomes invested by the Constitution and the law of its creation with certain rights and privileges that are as inviolable as those of private persons. Its property may not be confiscated or taken from it except by its consent or by due process of law. It cannot be denied the equal protection of the law. The money which a city procures by the exercise of the taxing power cannot be diverted, directly or indirectly, to any private purpose or for the benefit of any class as such. And yet all these constitutional guaranties may be violated if the Legislature can fix the wages of laborers or the price to be paid for any property that the municipality may need.

That some of these constitutional rights have been invaded by the statute in question is quite evident. That will appear from the facts of the present case, and by that I mean the facts stated in the complaint and those that are fairly to be inferred therefrom. The City of New York, in the exercise of its chartered powers, must purchase immense amounts of property, real and personal, and must employ a vast army of laborers, and the money to pay for the same must be procured by local taxation. The State, as such, bears no part of these expenses, and the question is whether it may prescribe by statute the price which the city must pay for such property or the wages for such labor, or must all these things be left for the city itself to settle by agreement upon such terms as may be reasonable, just as such matters are settled by private corporations or individuals? If the Legislature should pass a statute prescribing the minimum price that the defendant should pay for the carpets and furniture in the city hall and should even name the merchant or dealer from whom alone they could be purchased, every argument adduced

to uphold the statute in question would apply with equal force to such a law. If the Legislature has the power to fix the price of common labor, what objection can there be to a statute fixing the minimum or maximum price of such commodities? This case is a good illustration of the operation of a statute fixing the price of labor. We are informed by the complaint that, prior to the enactment of the Labor Law on May 10, 1894, the plaintiff was employed by the day to work on the streets and was paid wages at the rate of \$3 per day. There is no claim made that the wages thus paid were not fair wages or the going wages. There is no claim that the plaintiff ever asked or expected any more, but it seems, or at least the complaint so states, that, just as soon as the Labor Law went into effect on May 10, 1894, "the prevailing rate of wages" at once rose to \$3.50 per day, but the plaintiff was apparently oblivious of that fact, or, at all events, paid no attention to it, but continued to work in the same way and draw pay at the same rate for six years without, so far as appears, making any objection to the rate of wages, or demanding any increase. Now, it is said that the city is in arrears and is indebted to him in the sum of \$600, being 50 cents more for each day that he worked and was paid \$3 per day. This claim has, of course, no foundation except in the statute, which, as he claims, gave him the right to the additional 50 cents.

If the plaintiff can recover, so can hundreds and possibly thousands of other people, and such demands in the aggregate must amount to a very large sum of money that the city must raise by taxation and pay to its employees after their work has been performed. Who will assert that the money so paid out of the treasury is devoted to a legitimate city purpose? Who can deny that the millions of dollars which the city is required to raise and pay for such arrears is not in the nature of a gratuity to private persons? The position of the city is that it owes the plaintiff nothing and if it must pay at all it will be under the coercion of the legislative enactment. The power of the Legislature over municipal corporations in all matters political or governmental, within constitutional limits, is conceded, but surely that does not include the power to interfere in every detail of its internal affairs, and the right of the city to hire its own employees who work upon the streets on such terms as can be fairly agreed upon is one of the things that does not concern the State, but is confided to the local authorities. The compensation of all city authorities and of the clerical force in the several departments may be fixed and regulated by law, since their duties are public, political or governmental, but the wages of laborers or the price of property is something that cannot be fixed and regulated by statute without undermining every principle of local autonomy. It would be a very idle ceremony to provide in the Constitution that all moneys raised by taxation in cities must be devoted to city purposes if the Legislature may enact a law which will enable the plaintiff at the end of six years and after drawing pay all the time at the rate of three dollars per day, that being, so far as appears, all he asked or expected, to reopen the account to add over fifteen per cent more to the amount paid to him for his labor and which it is apparent he was satisfied with at the time as his compensation.

It is no part of the legitimate powers or functions of government to fix wages any more than it is to prescribe the price of bread. If a statute may be enacted to put wages up, so may one be enacted to put wages down.

If wages for the employees of a city can be fixed by a statute at five dollars per day, they can be fixed at fifty cents per day, all depending upon the temper of a majority of the Legislature. Such legislation cannot be justified upon the ground that it is aimed only at a great city existing under a legislative charter.

The argument in that respect embodies a fundamental error, in that it fails to observe the legal character of a municipal corporation possessed as it is of dual powers; the one governmental, legislative or public, and the other proprietary or private. When imposing taxes, enacting ordinances and conducting public improvements, the city is exercising a part of the sovereign power, but in hiring laborers and purchasing property for the corporate use it acts as a private individual entitled to all the privileges and immunities that the Constitution secures to private persons. These latter powers are conferred and exercised for the private advantage of the particular corporation as a distinct legal personality, and as to such powers and to property acquired thereunder and contracts made with reference thereto, the corporation is to be regarded *quo ad hoc* a private corporation. (Dillon on Municipal Corporations, § 86.) It is upon this principle that cities are made liable for acts or omissions under the law of negligence. The law of master and servant is applicable, just as it is applicable between private parties.

In *Conrad v. Trustees of the Village of Ithaca* (16 N. Y. 158), it was held that where the trustees of the village were made by its charter commissioners of highways they were to be regarded, in respect to that function, not as independent public officers, but as the agents of the corporation, so as to make the latter civilly responsible for their acts of omission, according to the law of master and servant. In a note to the case last cited is published an opinion by Judge Shelden in *Weet v. Trustees of the Village of Brockport*, wherein he points out the principle that lies at the basis of the rule which makes a municipal corporation liable under the maxim of *respondet superior* as follows: "That whenever an individual or a corporation, for a consideration received from the sovereign power, has become bound by covenant or agreement, either express or implied, to do certain things, such individual or corporation is liable, in case of neglect to perform such covenant, not only to a public prosecution by indictment, but to a private action at the suit of any person injured by such neglect. In all such cases the contract made with the sovereign power is deemed to enure to the benefit of every individual interested in its performance." This liability of the municipality as to the care of the streets was again recognized by this court in *Ehrgott v. Mayor, etc., of New York* (96 N. Y. 284). Judge Earl, after citing *Conrad v. Trustees of Village of Ithaca* (16 N. Y. 158); *Regua v. City of Rochester* (45 N. Y. 129); *Hutson v. Mayor, etc., of N. Y.* (9 N. Y. 163); *Davenport v. Ruckman* (37 N. Y. 568); *Hume v. Mayor, etc., of N. Y.* (74 N. Y. 264), observed that the rule has been somewhat criticised, but that "it has the sanction of a wise public policy, the support of good reasons, and that its operation is generally just and beneficent." This principle has been recognized in many other cases in this state that need not be cited. It has also been approved by the Supreme Court of the United States in *Barnes v. District of Columbia* (91 U. S. 540), and by the Circuit Court of the United States in *Barney Dumping-Boat Co. v. Mayor, etc., of City of New York*, (40 Fed. Repr. 50).

In *Missano v. Mayor, etc.*, of N. Y. (160 N. Y. 123, 129) this court held, after a review of the authorities, as follows: "It is clear upon principle and authority that the City of New York, in the ordinary and usual care of its streets, both as to repairs and cleanliness, is acting in the discharge of a special power granted to it by the Legislature, in the exercise of which it is a legal individual, as distinguished from its governmental functions when it acts as a sovereign. (*Maxmilian v. Mayor, etc.*, 62 N. Y. 164.)"

In the present case the Legislature in enacting the Labor Law was dealing with the City of New York in its proprietary or private capacity, wherein it is to be regarded as a legal individual as distinguished from its governmental functions when it acts as a sovereign.

Sweeping aside all forms and seeking to establish the real legal situation, the city in this respect is nothing more than an aggregation of private citizens who are taxpayers and as such are entitled, acting in the combination created by the charter, to the protection through the legal entity thereby created, of all those individual rights and privileges precisely as if each was acting for himself.

If it be true, as the foregoing authorities clearly establish, that a municipal corporation, acting as a legal individual, is liable in damages for the negligence of its servant, it must logically follow that it is entitled to all the immunities and privileges incident to that situation, and this involves the right of the city under the Constitution to hire its own laborers and servants, since it would be intolerable if their employment could be regulated and controlled by the central power, while the city alone is made liable for their negligence or mistakes. The Legislature may authorize burdens to be imposed upon them for public works or improvements and possibly may require the same by mandatory laws in the interest of the general public, but this does not embrace the power to dictate to the city the wages it shall pay to its employees in the performance of its work or to deprive the local authorities who act for the taxpayers of all judgment and discretion upon that subject. A taxpayer in a city has the right to have such questions decided by the judgment of the local authorities who represent him and not by the central power at the capital of the State.

It is a curious fact that every argument in support of statutes of this character, whether proceeding from the bench or the bar, contains the broad admission that if such laws were made applicable to private corporations or individuals they would then be clearly in conflict with the Constitution. These arguments, like that to sustain the statute in question, entirely overlook or ignore the important distinction between these powers and functions of municipal corporations that are public or political and those that are private. This distinction has nowhere been better stated and illustrated than in the opinion of Judge Cooley in the case of *People, etc., v. Common Council of Detroit* (28 Mich. 228). After stating what he considers as settled law, the proposition that cities, considered as communities endowed with peculiar functions for the benefit of their own citizens, have always been recognized as possessing powers and capacities and as being entitled to exemptions distinct from those which they possess or can claim as conveniences in State government; that they possess powers and capacities which are *private* in contradistinction to those in which the State is concerned and which are called *public*, thus putting such corporations, as regards

all such powers, capacities and interests, substantially on the footing of private corporations or individuals, the learned judge then proceeds to amplify this distinction as follows: "Whoever insists upon the right of the State to interfere and control by compulsory legislation the action of the local constituency in matters exclusively of local concern, should be prepared to defend a like interference in the action of private corporations and of natural persons. It is as easy to justify on principle, a law which permits the rest of the community to dictate to an individual what he shall eat, and what he shall drink, and what he shall wear, as to show any constitutional basis for one under which the people of other parts of the State, through their representatives, dictate to the city of Detroit what fountains shall be erected at its expense for the use of its citizens, or at what cost it shall purchase, and how it shall improve and embellish a park or boulevard for the recreation and enjoyment of its citizens. The one law would rest upon the same fallacy as the other, and the reasons for opposing and contesting it would be the same in each case. And while it may be entirely possible that in any particular instance the interference would be beneficial to the person or the community whose rights are invaded, it is not to be overlooked that an interference to compel a person to submit to something for his own good may be made use of as a precedent to compel him at some future time to submit to extortion and plunder. The law very properly draws a line between that which is admissible and that which is not, and it does not allow outside dictation in matters purely of local concern, for one very good reason, among others equally good, that the motive for outside interference will very likely be something besides a desire to do good to a community in which the parties interfering have no personal interest, unless of a merely sentimental nature, and whose burdens they are not to share, or enjoyments participate in. All such matters are left to those whose interests will prompt them to act with prudence, and who because of their interest, and because they relate to matters that must come under their own view and observation, they are presumptively best qualified to decide upon."

It was held in the Orange County Road Constr. Co. Case, *supra*, that a statute making it a crime for a person contracting with a municipal corporation to require more than eight hours' work for a day's labor was unconstitutional and void. It was held in the Rodgers Case, *supra*, that a similar statute forfeiting a contractor's right to compensation for his work if he omitted in doing the work to pay what is called the prevailing rate of wages, was also in conflict with the Constitution. In the Rodgers case the city resisted the claim of the contractor for compensation. It had no other defense and this court held that it constituted no answer to the contractor's claim to set up a violation of a statute which was invalid and beyond the power of the Legislature to enact. What distinction, if any, there is or can be between these cases and the one at bar I confess I am unable to state. I leave that to my brethren who now differ with me, only adding that it does not seem to me wise to introduce fanciful distinctions in the construction of statutes of this character whenever the membership of the court happens to be changed. It must be remembered that in the Rodgers case it was the city that set up and claimed the protection of the statute, and we held that the law had no force or effect to defeat the claim of the contractor, but in the present case it is to be held that it is a good basis for a common laborer

upon which to assert a valid claim against the city treasury; or, in other words, a statute held to be void as against the claim of the contractor is the very cornerstone and foundation for a claim against the city by one of its servants or employees.

I am in favor of affirming this judgment on the point first above stated, but I am not in favor of going out of our way to change the construction already given to the Labor Law on the basis of a distinction so frail and fanciful as that contended for by the learned counsel for the plaintiff.

Haight, Cullen and Werner, J. J., concur with Parker, Ch. P.; Bartlett and Vann, J. J., concur with O'Brien, J.

Judgment affirmed.

(12). "CLOSED SHOP" AGREEMENT UNENFORCEABLE.

[*Jacobs v. Cohen*, decided by the Appellate Division of the Supreme Court, Second Department, December, 1904; 89 App. Div. 481.]

An action was brought by Meny Jacobs, as president of the Protective Coat Tailors and Pressers' Union, Local No. 55 of the United Garment Workers of America, against the firm of M. Cohen & Sons, of New York City, to recover a promissory note given by the firm as collateral security for the faithful performance by them of the agreement. The union claimed that Cohen & Sons violated this agreement, and sued to recover on the note. In their answer, Cohen & Sons set up that the agreement was contrary to public policy, and that the note was given without consideration. The plaintiff demurred to the answer, alleging that the defense was not sufficient, and the demurrer was sustained in an interlocutory judgment at the Special Term. The appellate court, however, overruled the demurrer and condemned the contract as an unlawful agreement. Justice Hirschberg, writing the prevailing opinion (concurred in by Justices Hooker and Woodward), said, in part:

"Although the question may not be altogether free from doubt, I think the spirit and the reasoning of the unanimous decision of the Court of Appeals in the case of *Curran v. Galen*, (152 N. Y. 33,) necessarily condemns this contract as illegal. In that case the organization and cooperation of workmen was fully recognized as having the sanction of the law when the purpose designed was to secure and maintain an advance in the rate of wages, but was declared to be against public policy and unlawful if the object sought was to hamper or restrict the freedom of the citizen in pursuing his lawful trade or calling, and, through contracts or arrangements with employers, to coerce other workmen to become members of the organization and to come under its rules and conditions, under penalty of a loss of position and deprivation of employment. It was also held that the fact that a contract between a workmen's organization and an employers' association was entered into on the part of the employers with the object of avoiding disputes and conflicts with the workmen's organizations does not legalize a plan of compelling workmen, not in affiliation with the organization, to join it, at the peril of being deprived of their employment and of the means of making a livelihood.

\* \* \* \* \*

"By the terms of section 5 of the agreement, recited herein in full, the firm is not only prohibited from hiring others than members, but the additional restriction is created that even members may not be hired without the production of a card signed by the authorized business agent of the union testifying to their good standing. In view of these provisions and the objects sought by the agreement, it is plain that the covenant on the part of the firm 'to cease to employ any one and all those employees who are not in good standing and who do not conform to and comply with the rules and regulations' of the union upon being notified to that effect by its duly credentialed representative is an engagement upon the part of the firm to discharge such persons upon receiving the stipulated notice. The combination disclosed is accordingly one the purpose of which is to hamper and restrict freedom of employment on the



part of both the master and the servant under penalty of both loss of service and deprivation of employment, and to coerce all workmen within the field of its operation to become and to remain members of the contracting organization. Such a combination was distinctly declared to be unlawful in the Curran case. It is true that in that case there were elements of falsehood and malice, but no special significance appears to have been attached to them the underlying principle which controlled the court being the necessity of preserving in a free country the utmost liberty in the pursuit of lawful occupations, without the imposition of conditions not required for the promotion of the general welfare."

In the Cumming case, however, Judge Gray, in a memorandum expressing concurrence with Chief Judge Parker, emphasized the distinction between the Curran and Cumming cases as resting on the elements of falsehood and malice, which were present in the former and absent in the latter case. Justice Bartlett, in a dissenting opinion concurred in by Justice Jenks, notes the distinction between the Curran case and the one before the court, in the following terms:

"I am not prepared to say that such a contract as is pleaded here in the second separate defense is on its face, and without any averment of malicious motive, one which the law condemns. I cannot see why a man may not be permitted to enter into a restrictive agreement of this character if his purpose in doing so is to secure the best service in the performance of the work which he desires to have done, although the effect of the agreement is in some respects detrimental to others, as, for example, to those who are not admitted to his service because they do not belong to an organization of workmen whom he deems best fitted to perform the labor which he desires performed. If it were pleaded here that the sole purpose of this contract was to injure other workmen or hamper their freedom in pursuing their lawful calling, or to coerce them to do an act injurious to themselves, a different case would be presented; but in my opinion a contract having the lawful purpose of benefiting the parties thereto by procuring for the employer the most capable workmen, and not involving the exercise of any physical force or restraint or violence, is not invalidated because of the possibility or probability that its operation may have a detrimental effect upon the interests of others."

(13). LABOR COMBINATIONS, EXCLUSIVE AGREEMENTS, PICKETING, BOYCOTTING, ETC.

[*Miller v. United States Printing Co.*,\* decided by the Appellate Division of the Supreme Court, Second Department, December, 1904; 99 App. Div. 605]

"The defendants should not be restrained from organizing a strike against the defendant printing company. An employee who has not bound himself to his master by contract can not be bound to him by law. Therefore, he may quit his work. If he may quit his work absolutely, he may quit it because the conditions thereof are not to his liking, and he is free to say that he will not take up that work until the conditions are to his liking. What one may lawfully do alone he may do in concert, and hence a strike is not, *per se*, unlawful. The court in *Nat. Protective Association v. Cumming* (170 N. Y. 315, 321) did not differ over the proposition that 'a peaceable and orderly strike not to harm others, but to improve their own condition, is not in violation of the law.' See, too, *Wunch v. Shankland* (59 App. Div. 482).

PICKETING.

"'Picketing' may simply mean the stationing of men for observation. If in the doing of this act, solely for such purpose, there be no molestation or physical annoyance, or let or hindrance of any person, then it can not be said that such an act is, *per se*, unlawful. But 'picketing' may also mean the

\*Joined with the printing company as defendants were representatives of electrotypers and stereotypers' unions, who had entered into an agreement with the company that provided for the "unionizing" of the establishment. Plaintiffs were non-union employees who petitioned the court for an order restraining the company from discharging them on the ground that the exclusive agreement was a conspiracy. For additional details, see Department of Labor Bulletin, Dec. 1904, p. 406.

stationing of a man or men to coerce or to threaten, or to intimidate or to halt or to turn aside against their will those who would go to and from the picketed place to do business, or to work, or to seek work therein, or in some other way to hamper, hinder, or harass the free dispatch of business by the employer. In that case, picketing may well be said to be unlawful. But the vice of the injunctive order lies in the fact that this word, unqualified, may signify a lawful act. \* \* \* I may add that I am not prepared to say that all picketing which goes no further than 'persuasion and entreaty' of those who are about to work or to seek work or to do business in the picketed place is absolutely lawful. A wayfarer upon the public street should be free for peaceful travel. No man against my will has the legal right to occupy the public street to arrest my course or to join me on my way, be he ever so polite or gentle in his insistence. There may be no intimidation, and yet an interruption of peaceful travel. There may be annoyance without danger.

#### BOYCOTTING.

"The experience of Captain Boycott has added to our language a substantive and a verb. There is little if any question as to the meaning of the substantive, but there is no commonly accepted definition of the verb. Some courts have defined it as necessarily implying violence, or intimidation, or the threat thereof; others, as but necessarily implying abstention. A may refuse to trade with B unless B changes a certain policy, and A may think that his attitude is necessary for his own welfare and protection. It can not be contended that A thereby offends the law.

"Judge Cooley, in his work on torts, says: 'It is a part of every man's civil right that he be left at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason or is the result of whim, caprice, prejudice or malice. With his reasons, neither the public nor third persons have any concern.' If A may take this step, it does not seem logical to hold that A and C together may not, and may not, by argument, persuasion and entreaty, bring D and E to their side. If A, C, D and E can not do what A alone may lawfully do, the vice must be in the combination. But there is no dissent in our highest court over the proposition in *Nat. Protective Association v. Cumming* that 'Whatever one may do alone he may do in combination with others, provided they have no unlawful object in view. Mere numbers do not ordinarily affect the quality of an act.' A's attitude may be trivial as to B, when that of the combination might enforce B's concession, but this affords no legal reason against such combination.

"It is not in the breast of the court to stamp as illegal a combination for the betterment of the interests of the members thereof or of some of them, and which without incidental violence or intimidation, severs all business dealings with an outsider until it may secure it. If this be illegal, where can we draw the line so as to countenance association to insure united, and, therefore, effective, action to right what seems wrong, or to correct what seems an abuse, or to mark disapproval of some policy in the every day affairs of our social life? The protest of one under threat of abstention may be unheeded in view of the slightness of the penalty, when a like protest of many, with similar threat, is effective, and only because the penalty is too great to pay. Lawful and concerted protest can regulate many things within the law without invoking paternal government.

"It may be that the result of the boycott is a loss to him proscribed. Else the combination would fail of its purpose. But when the result sought by a boycott is to protect the members of the combination or to enhance their welfare, that loss is but the incident of the act, the means whereby the ultimate end is gained \* \* \* I think that the statement of Bouvier is correct: 'A boycott is not unlawful unless attended with some act which in itself is illegal.' I think that the verb 'to boycott' does not necessarily signify that the doers employ violence, intimidation or other unlawful coercive means, but that it may be correctly used in the sense of the act of a combination in refusing to have business dealings with another until he removes or ameliorates conditions which are deemed inimical to the welfare of the members of the combination, or some of them, or grants concessions which are deemed to make for that purpose. And as such a combination may be formed and held together by argument, persuasion, entreaty or by the 'touch of nature,' and may accomplish its purpose without violence or other unlawful means, i. e., simply by abstention, I think it cannot be said that 'to boycott' is to offend the law. \* \* \* In *People v. Kortka* (4 N. Y. Crim. Rep. 429), so frequently cited, it is to be noted that Barrett, J., charged as follows: 'The mere fact is that the defendants entered into an agreement to withhold their custom from Mrs. Landgraff, and to solicit others to withhold theirs, and that in the carrying out of that agreement they did not make use of illegal means or methods, they are not guilty of conspiracy and should be acquitted. \* \* \* Even though you find that the object of the agreement or confederation of the defendants was to adopt measures having tendency to diminish the gains and profits of Mrs. Landgraff, that of itself is not unlawful unless the means adopted to carry out the measure were unlawful.'

"The discharges in this case are the result of the agreement between the printing company and the union. It is clear enough that the company made this agreement in order to end the strike and the boycott. Thus the defendants secured the exclusive employment of their members, an adjustment of wages, and a determination of the working hours. If the defendants had the right to refuse to work for the printing company until their demands were met, I cannot see why they could not agree that they would work only under conditions which represented a concession of such demands. If the employer preferred to have these workmen work for him on the conditions that he should employ none but their fellows, increase their wages and settle the hours of labor than to have them strike and organize a boycott, I cannot see why in the exercise of its right to regulate its own affairs it could not follow the course and make the agreement.

#### WHEN A COMBINATION DOES NOT CONSTITUTE CONSPIRACY.

"There is a manifest discrimination, well recognized, between a combination of workmen to secure the exclusive employment of its members by a refusal to work with others and a combination whose primary object is to procure the discharge of an outsider and his deprivation of all employment. In the first case, the action of the combination is primarily for the betterment of its fellow members. In the second case, such action is primarily to impoverish and to crush another by making it impossible for him to work there or, so far as may be possible, anywhere. The difference is between com-

bination for welfare of self and that for the persecution of another. The primary purpose of one may necessarily but incidently require the discharge of an outsider, the primary purpose of the other is such discharge and, so far as possible, an exclusion from all labor in his calling. Self-protection may cause incidental injury to another. Self-protection does not aim at malevolent injury to another. The law views an injury arising from competition differently from an injury done in persecution. \* \* \* That the aim of the union was not the discharge of the plaintiffs as individuals is clear from the clause in the agreement that they and all other present employees would be admitted to the union. Thus, it was willing to avert in the only way possible the injury to the present employees which might arise from the agreement that henceforth only union men should be employed. It would seem that the purpose was not to drive out non-union men that places might be made for union men, but to assure that there should be no employees in this branch who were not members of the union.

"It may well be that the union deemed it essential to the interests of its members who were employed that all the employees should be allied so as to act henceforth in concert on questions of wages, work hours, privileges or of the employment of only those, to work with them, who were approved by them as skillful and competent. This is a fair inference, because the union did not need to afford this privilege of admission. If it be said that the employer insisted on this provision, nevertheless, it appears that the union was willing to insert it. Presumably it would not have done so if the object of the strike was to cause the discharge of the plaintiffs and their fellows, unless, of course, the strike had failed in such respect. What is the scope and effect of the agreement but to secure the employment of workmen under the conditions imposed by them?

"The printing company agrees to take their labor under these conditions and the workmen agree to give it under these conditions. Is either party to the contract seeking to avoid it? If the employer has the right to employ whom it chooses and the employees have the right to work for whom they choose and under such conditions as they may impose, is an outsider to be heard that the agreement between employer and employee must not be performed because perforce thereof the employer can no longer keep him in service? How can he be heard unless he has some vested right of retention by the employer?

"It may be queried whether the plaintiff has any status to attack this agreement. \* \* \* Assume that the agreement is performed, what results to the plaintiffs who refuse to join the union? Their discharge from this employment. But is not the employer free to discharge them even without reason or for any reason which seems to him sufficient, no matter how shortsighted, quixotic, unjust or arbitrary? Independent of the obligation of contract, the workman may quit employment and the master may discharge the workman beyond the interference of the courts. If the employer can compel the employee to work against the latter's will, this is servitude. If the employee can compel the employer to give him work against the employer's will, this is oppression. If the courts sit to prevent discharges of workmen or to require the workmen to remain at service, they exercise a paternal and visitatorial function beyond my ideas of their province. It would be a step far in advance were the courts to sit in scrutiny of the

reasons for the acts of either employee or employer. It would be intolerable if every discharge or every quittance of work must receive the advice of a court only when the respective grounds thereof appealed to its judgment. The court is neither employer nor employee and cannot stand in the shoes of either one.

"I will assume that but for the agreement with the union the printing company would not discharge the plaintiffs. Can the printing company come to the court and say: I have made an agreement which I do not seek to avoid; perforce of it I intend to discharge the plaintiffs if they remain non-union men, but were it not for the agreement I would have no reason to discharge them; therefore, halt me in the doing of this thing? If the court intervenes, does it not do so because it can determine the right of the master to discharge by weighing his reasons for it? The employer is not the ward of the court. The court puts the responsibility upon him. It assumes that he is free to choose, but at the same time it assures the employee of the right to choose, and when the employer has chosen, it does not stay his election upon any scrutiny of his reasons. It will not halt him when he proposes to go on. And the employee cannot be heard upon the reasons which move the employer to discharge him. Unless, then, the plaintiffs have a right to retention, what interest have they that warrants the court to hear their plea that the employer must not perform the agreement because it involves their discharge?

\* \* \* \* \*

"I said at the outset that the judgment on trial may be far different from the determination upon the papers now before us. The evidence may put the combination within the prohibition of the principle of *Curran v. Galen*, may justify an injunction against the picketing in the manner of its doing, against the boycotting in the methods of its practice, and more. But as I think that the printing company is free to discharge the plaintiffs and their other workmen and that the other defendants have the right to organize a strike, and to picket and boycott within the limitations which I have sought to state in this opinion, and that the record does not justify a retention of the injunction against picketing and boycotting, with specifications and limitations, the order must be modified in accord with these views and as modified, must be affirmed, without costs."

APPENDIX III.

LEGISLATIVE BILLS OF 1904 AFFECTING LABOR INTERESTS.

HEALTH AND SAFETY.

Exhibit 1.

PROVIDING FOR A MAXIMUM FIFTY-FOUR HOUR WEEK.

Assembly Bill No. 1123 (Int. No. 906) Introduced by Mr. Mortimer March 4, 1904 (Identical with Senate Bill No. 878, introduced by Mr. Townsend). Referred to Committee on Labor and Industries. Not reported.

TO AMEND THE LABOR LAW, RELATIVE TO HOURS OF LABOR.

Section 1. Section seventy-seven of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws" as amended by chapter one hundred and ninety-two of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

§ 77. *Hours of labor of minors and women.*—No minor under the age of eighteen years, and no female shall be employed in any factory in this State for more than fifty-four hours in any one week, nor before seven o'clock in the morning or after six o'clock in the evening of any day (except to make a shorter work day on the last day of the week), or more hours in any one week than will make an average of nine hours per day for the whole number of days so worked. A printed notice stating the number of hours per day for each day of the week required of such persons, and the time when such work shall begin and end, shall be kept posted in a conspicuous place in each room where such person or persons shall be employed. But such persons may begin their work after the time for beginning and stop before the time for ending such work mentioned in such notice, but they shall not be required to perform any labor in such factory except as stated herein. The terms of such notice shall not be changed after the beginning of labor on the first day of the week without the consent of the factory inspector.

§ 2. Section seventy-eight is hereby repealed.

§ 3. This act shall take effect immediately.

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Exhibit 2.

RELATIVE TO SUNDAY CLOSING OF GROCERY STORES.

Assembly Bill No. 1804. Introduced by Mr. Monroe January 14, 1904 (No. 26). Four times amended. Laid aside on order of second reading.

TO AMEND THE PENAL CODE RELATIVE TO THE SALE OF PREPARED MEATS, SALADS AND CHEESE ON SUNDAYS.

Section 1. Section two hundred and sixty-seven of the penal code is hereby amended to read as follows:

§ 267. *Public traffic.*—All manner of [public] selling or offering for sale or delivery of any property on Sunday is prohibited, except [that articles of food

EXPLANATION—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

may be sold and supplied at any time before ten o'clock in the morning and except also] that meals may be sold to be eaten on the premises where sold or served elsewhere by caterers; and *fresh fruits*, prepared tobacco, milk, ice and soda water may be sold in places other than where [spirituos or malt liquors or wines] *groceries and vegetables* are kept or offered for sale *and except also that between the hours of five and eight in the evening, prepared meats and fish, salads and cheese may be sold.* And *except that between the period of June fifteenth and September fifteenth inclusive in each year milk and ice may be delivered up to ten o'clock in the morning.* But *nothing in said last sentence contained shall authorize the opening of the place of business to admit customers.* [Fruit] Flowers, confectionery, newspapers, drugs, medicines and surgical appliances may be sold in a quiet and orderly manner at any time of the day, the provisions of this section, however, shall not be construed to allow or permit the public sale or exposing for sale or delivery of uncooked flesh foods or meats, fresh or salt at any hour or time of the day. Nothing in this act contained shall be construed as prohibiting or affecting the sale and delivery of milk, cream, ice cream, butter or cheese by any pasteurizing milk plant or company; or the sale and delivery of milk or cream by any person, firm or company on any milk route of such person, firm or company, at any hour of the day on Sunday.

§ 2. This act shall take effect September first, nineteen hundred and four.

### Exhibit 3.

#### TO PROHIBIT THE MANUFACTURE OF CERTAIN ARTICLES IN TENEMENTS.

Assembly Bill No. 1684, Introduced by Mr. Adams, March 24, 1904 (No. 1227). Referred to Committee on Labor and Industries. Not reported.

#### TO AMEND THE LABOR LAW, RELATING TO GOODS MANUFACTURED IN TENEMENT HOUSES.

Section 1. Section one hundred of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter one hundred and ninety-one of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 100. **Manufacturing, altering, repairing or finishing articles in tenements.**—No room or apartment in any tenement or dwelling house, or in a building situated in the rear of any tenement or dwelling house, shall be used for the purpose of manufacturing, altering, repairing or finishing therein, any coats, vests, knee pants, trousers, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, dresses, waists, waists bands, underwear, neckwear, furs, fur trimmings, fur garments, skirts, shirts, purses, feathers, artificial flowers, cigarettes, cigars [or], umbrellas, *collars, cuffs, shirts or shirt waists made of cotton or linen fabrics and that are subjected to the laundering process before being offered for sale.* And all such articles as enumerated aforesaid shall be *manufactured, altered, repaired or finished in factories, duly licensed and inspected by the commissioner of labor.* [unless a license is secured therefor as provided in this article. But nothing herein contained shall apply to collars,

EXPLANATION—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

cuffs, shirts or shirt waists made of cotton or linen fabrics that are subjected to the laundering process before being offered for sale.] Application for such a license shall be made to the [factory inspector] *commissioner of labor*. [by any family or a member thereof desiring to manufacture, alter, repair or finish any of such articles in any room or apartment in any tenement or dwelling house, or by any person desiring to perform such work in any building in the rear of any tenement or dwelling house.] Such application shall describe *such factory or workshop* and [the room or apartment,] shall specify the number of persons to be employed therein and shall be in such form as the [factory inspector] *commissioner of labor* may determine. Blank applications shall be prepared and furnished by the [factory inspector] *commissioner of labor*. Before any such license is granted, an inspection of *such factory or workshop* [the room, apartment or building] sought to be licensed must be made by the [factory inspector] *commissioner of labor*. If the [factory inspector] *commissioner of labor* ascertain that *such factory or workshop* [room, apartment or building] is in a clean and proper sanitary condition and that the articles specified in this section may be manufactured therein under clean and healthful condition, he shall grant a license permitting the use of *such factory or workshop* [room, apartment or building,] for the purpose of manufacturing, altering, repairing or finishing such articles. Each license shall state the maximum number of persons who may be employed in *such factory or workshop* [the room or rooms] to which such license relates. The number of persons to be so employed shall be determined by the number of cubic feet of air space contained in *such factory or workshop* [each room or apartment] mentioned in such license, allowing not less than two hundred and fifty cubic feet for each person employed between the hours of six o'clock in the morning and six o'clock in the evening; and, unless by a special written permit of the [factory inspector] *commissioner of labor*, not less than four hundred cubic feet for each person employed therein between the hours of six o'clock in the evening and six o'clock in the morning, but no such permit shall be issued unless *such factory or workshop* [room or apartment] is lighted by electricity or other suitable light, at all times during such hours, while such persons are employed therein. Such license must be framed and posted in a conspicuous place in *such factory or workshop* [each room or apartment] to which it relates. It may be revoked by the [factory inspector] *commissioner of labor* if the health of the community or of the employees requires it, or if it appears that the *factory or workshop* [rooms or apartments] to which such license relates are not in a healthy and proper sanitary condition. Every *such factory or workshop or any building in the rear of a tenement or dwelling house*, [room or apartment] in which any of the articles named in this section are manufactured, altered, repaired or finished shall be kept in a clean and sanitary condition and shall be subject to inspection and examination by the [factory inspector] *commissioner of labor*, for the purpose of ascertaining whether said garments or articles or any part or parts thereof, are clean and free from vermin and every matter of an infectious or contagious nature. No person shall hire, employ or contract with [any member of a family, or] any person or persons not holding a license therefor, to manufacture, alter, repair or finish, any of the articles named in this section. [in any room or apartment in any tenement or dwelling house or in any room or apartment in any building situated in the rear of a tenement or dwelling

EXPLANATION—Matter italicised is new; matter in brackets [ ] is old law to be omitted.



house as aforesaid.] This section shall not prevent the employment of a tailor, *dressmaker* or seamstress by any person or persons [or family] for the purpose of making, altering, repairing or finishing any article of wearing apparel for such person or persons or for family use, or *such tailoring or dressmaking as is known to the trade as custom tailoring or dressmaking for individuals and shall cover all work known as white goods.*

§ 2. This act shall take effect on the first day of September, nineteen hundred and four.

#### Exhibit 4.

#### REQUIRING BUILDERS TO FURNISH BONDS FOR THE INDEMNIFICATION OF INJURED WORKMEN.

Assembly Bill No. 1909, introduced by Mr. Prince, February 23, 1904 (No. 706). Amended and passed by the Assembly. Referred to Senate Committee on Judiciary. Not reported. TO AMEND THE LABOR LAW, RELATING TO SCAFFOLDING FOR USE OF EMPLOYEES.

Section 1. Section eighteen of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of general laws," is hereby amended to read as follows:

§ 18. Scaffolding for use of employees.—A person employing or directing another to perform labor of any kind in the erection, repairing, altering or painting of a house, building or structure shall not furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders, or other mechanical contrivances which are unsafe, unsuitable or improper, and which are not so constructed, placed and operated as to give proper protection to the life and limb of a person so employed or engaged. Scaffolding or staging swung or suspended from an overhead support, more than twenty feet from the ground or floor shall have a safety rail of wood, properly bolted, secured and braced, rising at least thirty-four inches above the floor or main portion of such scaffolding or staging and extending along the entire length of the outside and the ends thereof, and properly attached thereto, and such scaffolding or staging so fastened as to prevent the same from swaying from the building or structure. *That in cities of not less than one hundred thousand population, it shall be unlawful for any person, firm or corporation to erect or cause to be erected, furnish or cause to be furnished for the performance of such labor a scaffold or staging swung or suspended from an overhead support, more than twenty feet from the ground or floor, for the performance of such labor, unless such person, firm or corporation shall before the erection or furnishing of such scaffold or staging, file with the building department of the city in which such scaffold or staging is to be erected or furnished a bond to the people of the state of New York, in the penal sum of two thousand dollars, with one or more sureties to be approved by the head of such department, conditioned upon the payment of any judgment which any employee may recover in an action against the principal on such bond for damages by personal injuries sustained by such employee by reason of any defect in the construction, erection, or use of such scaffold or staging. Any employee who shall have recovered such judgment shall have the right to sue on such bond in his own name.*

§ 2. This act shall take effect immediately.

EXPLANATION.—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

**Exhibit 5.**

**TO PROTECT DEPARTMENT STORE EMPLOYEES FROM FIRE.**

Assembly Bill No. 603, introduced February 11, 1904, by Mr. Quinn (No. 542). Referred to Committee on General Laws. Not reported.

**TO PROTECT THE LIVES OF EMPLOYEES AND PATRONS OF DEPARTMENT STORES FROM FIRE.**

Section 1. All stores, commonly known as department stores, having a height of two or more stories, above the ground shall have erected and constructed therein, a stairway of noncombustible material and enclosed on the sides, not less than five feet in width, leading from one floor or story to the other, and such stairway shall be so constructed that the stairway on one floor shall not be more than thirty feet distant from the stairway on another. There shall be one of such stairways constructed and erected to every sixty feet in width of floor space or fraction thereof and one of such stairways shall be constructed and erected to every ninety feet in length of floor space or fraction thereof.

§ 2. In all such stores, commonly known as department stores, where there is a basement in which the retail sale of merchandise is conducted, there shall be constructed and erected, a stairway of noncombustible material and enclosed on the sides and not less than five feet in width, leading to the floor, known as the ground floor of the store to a point not more than thirty feet distant from the main entrance to said store, or if there be more than one main entrance to the store, to a point not more than thirty feet distant from one of the main entrances thereof. There shall be one of such stairways constructed and erected for every sixty feet in width of floor space or fraction thereof and there shall be one of such stairways constructed and erected for every ninety feet in length of floor space or fraction thereof.

§ 3. There shall be an exit from all such stores commonly known as department stores, to each sixty feet frontage thereof.

§ 4. All doors, forming a means of exit from such stores commonly known as department stores, shall open outward.

§ 5. It shall be the duty of every owner, lessee, proprietor, or manager of such store, commonly known as a department store, on or before the first day of October, nineteen hundred and four, to cause such stairways and exits to be constructed and erected and maintained and if such owner, proprietor, lessee, or manager shall fail to provide, or erect and maintain such stairways and exits before the first day of October, nineteen hundred and four, then the local authorities shall proceed to erect such stairways and exits and the costs thereof may be recovered by an action at law from the owner, lessee, proprietor, or manager of such store.

§ 6. The provisions of this act shall supersede the provisions of any special law building code, or ordinance inconsistent therewith.

§ 7. The superintendent of buildings of each city is hereby charged with the execution of this statute but in such cities that have no superintendent of buildings, the district attorney of the county is hereby charged with the execution of this act.

§ 8. This act shall take effect on the first day of October, nineteen hundred and four.

**EXPLANATION**—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

**Exhibit 6.****REQUIRING THE INSPECTION OF LOCOMOTIVE BOILERS.**

Senate Bill No. 1037, introduced by Mr. Dowling, March 23, 1904 (No. 795). Advanced to third reading and recommitted to Committee on Railroads.

TO AMEND CHAPTER FIVE HUNDRED AND SIXTY-FIVE OF THE LAWS OF EIGHTEEN HUNDRED AND NINETY KNOWN AS THE RAILROAD LAW BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION FORTY-NINE-A WITH REFERENCE TO INSPECTION OF LOCOMOTIVE BOILERS.

Section 1. Chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, known as the railroad law is hereby amended by adding a new section thereto to be known as section forty-nine-a and to read as follows:

§ 49-a. It shall be the duty of every railroad corporation operating its road by steam to cause to be inspected at least once every three months every locomotive boiler, owned, operated or controlled by it, or in its possession; such inspection to be certified to by the party making the same under the direction of said corporation and such certificate in writing designating by number the boiler inspected with a certificate of said corporation showing that he was authorized by it to make the same, to be filed in the office of the board of railroad commissioners within ten days after each said examination has been made. No such inspecting shall be made by any person having the care, management or control of locomotive boilers for said corporation, person or persons, nor shall such certificate be signed by any such person. Every corporation, person or persons operating such railroad and violating the provisions of this section shall be liable to a penalty of one hundred dollars for each offense, and the further penalty of ten dollars for each day it shall omit or neglect to comply with said provisions. Any person shall upon application to the secretary of said board of railroad commissioners and on payment of such reasonable fee as said board may by rule fix, be furnished with a copy of any such certificate. Any corporation, person or persons operating such railroad making use of, or allowing to be used, any locomotive boiler which by any such certificate may appear to be unsafe for use, shall be liable to a penalty of one thousand dollars, and to a further penalty of one hundred dollars for each and every day during which such violation shall continue until such use or allowance of use is ended, or until it shall appear upon reexamination that said boiler has been repaired and is now safe for use.

§ 2. This act shall take effect immediately.

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**Exhibit 7.****REQUIRING AN ASSISTANT CONDUCTOR ON STREET CARS.**

Assembly Bill No. 839, introduced by Mr. Wiegand, February 23, 1904 (No. 715). Referred to Committee on Railroads.

TO AMEND THE RAILROAD LAW, FOR THE GREATER SAFETY OF THE PUBLIC, BY PROVIDING FOR AN ADDITIONAL CONDUCTOR ON ELECTRIC AND CABLE CARS IN CITIES OF THE FIRST CLASS.

Section 1. Article four of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads,

EXPLANATION—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

constituting chapter thirty-nine of the general laws," is hereby amended by inserting therein a new section to be known as section one hundred and twelve and to read as follows:

§ 112. Additional employee.—All persons and corporations owning, leasing, operating or managing street surface railroads in cities of the first class, the motive power on which railroads is furnished by electricity or by means of cables, shall cause to be employed on each car operated on such street surface railroad for the accommodation of passengers, during the hours of six and nine o'clock in the morning, and half past four and half past seven o'clock in the afternoon, an assistant conductor who shall be stationed on the rear platform and who shall have sole charge of taking on and letting off of passengers, and who in case of accident or other unforeseen incident to the motorman or conductor, rendering either of them unfit or incapacitated to perform their respective duties, shall be qualified to temporarily take the place of the one so incapacitated and perform his duties until the car reaches its terminal or starting point. Any person or corporation, owning, leasing, operating or managing a street surface railroad who fails to comply with the provisions of this section, shall be subject to a penalty of fifty dollars for each day or part thereof during the hours hereinbefore specified for each and every car which shall be operated contrary to such provision, to be recovered in an action brought thereof in the name of the people of the State, in the same manner as other penalties imposed by law.

§ 2. This act shall take effect immediately.

### Exhibit 8.

#### TO REGULATE THE OPERATION OF ELEVATORS.

Assembly Bill No. 1427, introduced by Mr. Fitzsimmons, February 11, 1904 (No. 521). Amended and recommitted to Committee on the Affairs of Cities.

#### TO REGULATE ELEVATOR CONDUCTORS AND THE OPERATION OF ELEVATORS IN THE CITY OF NEW YORK.

Section 1. The superintendent of buildings in each borough in the city of New York shall have espionage over all elevators and operators thereof in the borough wherein he is the superintendent of buildings except private residences but not including apartment houses and for the purposes this act shall appoint as many inspectors and clerks as may be necessary to enforce the provisions of this act. It shall be the duty of the inspectors to inspect all buildings wherein elevators are operated, as often as may be necessary to enforce compliance with the provisions of this act, and with such other duties as the superintendent of buildings may from time to time prescribe. The compensation of said inspectors shall be fixed and regulated by the board of estimate and apportionment of the city of New York.

§ 2. On and after the first day of July, nineteen hundred and four, no person or persons shall operate, manage, or run an elevator in any building within the city of New York unless he or she shall have passed a satisfactory examination to be held under the auspices of the superintendent of buildings in which the elevator or elevators to be run, operated or managed by him or her be situated. Such examination shall consist of a thorough

EXPLANATION—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

investigation of the candidates' knowledge of the car operating of elevators and the manner in which they should be handled so as to insure safety as well as efficiency of service. And it is further provided that no person or persons shall be licensed under the provisions of this act to operate an elevator in the said city of New York until he or she shall prove to the satisfaction of the superintendent of buildings of the borough in which he or she proposes to operate an elevator, that he or she is a person over the age of twenty-one years and of moral, reliable and sober habits and shall have been previous to his or her application for a license for him or her to operate an elevator under the instructions of a competent and licensed elevator operator, or other person duly qualified for a period of thirty days immediately preceding such application.

§ 3. Upon passing such examination to the satisfaction of the superintendent of buildings said superintendent of buildings shall issue to the applicant on payment of a fee of one dollar a certificate that he or she is duly qualified to run an elevator within the borough wherein said application is made; such certificate upon application and proof by affidavit that the operator has successfully and faithfully operated an elevator during the present term be renewed on or before the first day of January of each and every year upon payment of the annual fee of two dollars; a new certificate issued to him or her authorizing him or her to operate an elevator within the borough for the year next ensuing, all fees thus received by the superintendent of buildings to be paid into the city treasurer.

§ 4. All applicants having passed a satisfactory examination shall, together with a certificate or license hereinbefore mentioned, receive a badge bearing a number corresponding with the number on the certificate handed to him or her, which shall be worn in a conspicuous place upon his or her person at all times while operating an elevator.

§ 5. It shall be the duty of all inspectors to be appointed as provided in this act to inspect as often as possible all buildings or structures where elevators are in use in the borough wherein he was appointed, and to ascertain the number of men or women employed in such building or structure as elevator operators together with their respective names, ages and residences, where and how long employed, and whether they have been duly licensed to operate an elevator. Should said inspector in any instance find that the provisions of this act are being violated it shall be his duty to immediately cause the operation of said elevator to be suspended and the person or persons violating any of the provisions of this act arrested. Each inspector shall report daily to the superintendent of buildings of the borough wherein he is employed any and all violations of this or any preceding act regulating the management and operation of elevators.

§ 6. Any owner or owners, lessee or manager, or other person or persons having control or management of any elevator or elevators within the city of New York who employs or causes to be employed any person or persons to operate an elevator or any person or persons who in any wise violates the provisions of this act or transfers to another person or persons his or her badge shall be guilty of a misdemeanor. Any person or persons who shall willfully or negligently injure, maim or kill any passenger upon an elevator operated by him or her shall upon the direction of the superintendent of buildings surrender his or her license and he or she shall thereafter be disqualified from operating an elevator.

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§ 7. All acts and parts of acts inconsistent with this act are hereby repealed.

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### Exhibit 9.

#### TO REGULATE THE OPERATION OF STEAM BOILERS.

Assembly Bill No. 1755, introduced by Mr. Prince, March 28, 1904 (No. 1261). Referred to the Committee on Affairs of Cities.

#### TO AMEND THE GREATER NEW YORK CHARTER, RELATIVE TO THE OPERATION OF STEAM BOILERS.

Section 1. Section three hundred and forty-three of the Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one is hereby amended to read as follows:

IDEM; NO PERSON TO USE, OR ACT AS ENGINEER FOR, WITHOUT CERTIFICATE.

§ 343. It shall not be lawful for any person or persons to operate or use any steam boiler to generate steam except for railway locomotive engines, and for heating purposes in private dwellings, and boilers carrying not over ten pounds of steam and not over ten horse power, or to act as engineer for such purposes in the city of New York without having a certificate of qualification therefor from practical engineers detailed as such by the police department, such certificate to be countersigned by the officer in command of the sanitary company of the police department of the city of New York and to continue in force one year unless sooner revoked or suspended. Such certificate may be revoked or suspended at any time by the police commissioner upon the report of any two practical engineers, detailed as provided in this section, stating the grounds upon which such certificate should be revoked or suspended. Where such certificate shall have been revoked, as provided in this section, a like certificate shall not in any case be issued to the same person within six months from the date of the revocation of the former certificate held by such person. *No person or persons shall be permitted to operate or use any steam boiler to generate steam in or adjoining any building used for school purposes in the city of New York, who shall not have received a certificate of qualification as provided for in this section.*

§ 2. This act shall take effect immediately.

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### Exhibit 10.

#### PROVIDING FOR THE LICENSING OF STATIONARY ENGINEERS AND FIREMEN.

Assembly Bill No. 2051, introduced by Mr. Wemple, April 9, 1904 (No. 1416). Referred to Committee on General Laws. Not reported.

#### TO PROVIDE FOR THE LICENSING OF ENGINEERS AND FIREMEN OPERATING A STEAM STATIONARY ENGINE OR ENGINES, STEAM STATIONARY, BOILER OR BOILERS, IN THE STATE OF NEW YORK (EXCEPTING CITIES OF THE FIRST CLASS).

Section 1. No person shall have charge of or operate a steam engine or engines, a steam boiler or boilers, in this state (excepting cities of the first class) unless the person in charge of and operating such engine or engines, boiler or boilers, are duly licensed as hereinafter provided.

EXPLANATION—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

§ 2. If such steam engine or engines, boiler or boilers, is found to be in charge of or operated by a person who is not a duly licensed engineer or fireman, as provided by this act, the owner or lessee thereof shall be notified, and after a lapse of one week from such notification the same engine or engines, boiler or boilers, is again found to be in charge of or operated by a person or persons not duly licensed under this act, it shall be deemed prima facie evidence of a violation of this act.

§ 3. The words "have charge" or "in charge" in the two preceding sections shall designate the person or persons under whose supervision an engine or boiler is operated. The person or persons operating shall be understood to mean any and all persons who are actually engaged in the operating of a steam engine or engines or generating steam in a boiler or boilers.

§ 4. Any person desiring to act as an engineer or fireman shall make application for a license to so act to the examiner of engineers for the city or town in which he resides or is employed, upon blanks to be furnished by the examiner. The application shall be accompanied by a fee of two dollars and shall show the applicant's experience during the preceding two years or time of service. The applicant shall be given a practical examination and if found competent, as to his ability to operate a steam engine or engines, steam boiler or boilers, as specified in section one of this act, shall receive within six days after examination a license as provided by this act. The applicant shall have the privilege of having one person present during his examination who shall take no part in the same, but who may take notes if he so desires. Such license may be revoked or suspended at any time by the commissioner of public safety or chief of police of the city or town in which the licensee resides or is employed, upon the proof of deficiency. Every license issued under this act shall continue in force for one year from the date of issue, unless sooner revoked as above provided. A license unless revoked as herein provided shall at the end of a year from date of issue, be renewed by the examiner upon application and without further examination. Every application for renewal of license must be made within thirty days of the expiration of such license. If a license is lost by fire or other means, a new license shall be issued in its place without examination of the licensee, upon satisfactory proof of such loss to an examiner. With every license granted under this act there shall be issued to every person obtaining such license a certificate by the examiner; such certificate shall be placed in the engine or boiler room of the plant operated by the holder of such license, so as to be easily read.

§ 5. Licenses shall be granted according to the competence of the applicant and shall consist of the following grades: Engineer licenses: First class, unlimited in horse power. Second class, to have charge of and operate a boiler or boilers and an engine not exceeding one hundred and fifty horse power. Third class, to have charge of and operate a single boiler and an engine not exceeding fifty horse power. Fireman licenses: First, to operate any boiler or boilers. Second, to have charge and operate low pressure boilers in which the pressure carried is less than eighty pounds to the square inch.

§ 6. Within thirty days after the passage of this act, the governor shall appoint a board of steam engineer examiners for the state of New York. The board shall consist of three members, two of whom shall be steam sta-

tionary engineers and one who shall be a steam stationary fireman, and each of whom shall serve for a term of three years from the date when his appointment shall take effect, except that those first appointed shall serve as follows: One for one year, one for two years, and one for three years from the date when his appointment shall take effect respectively and except in the case of an appointment to fill a vacancy, no person shall be eligible to appointment as a member of said board unless he shall have been continuously for the past three years engaged in the occupation of a steam stationary engineer or steam stationary fireman within this State.

§ 7. Said board so appointed and its successors shall be known by the name "board of steam engineer examiners of the State of New York." Every person so appointed to serve on said board shall receive a certificate of this appointment from the governor of the State of New York and within ten days after receiving such certificate, shall take, subscribe, and file in the office of the secretary of state, the constitutional oath of office.

§ 8. Each member of such board shall receive as compensation, the sum of five dollars for each day necessarily and actually engaged in the performance of his duty as a member of said board and three cents for each mile necessarily and actually travelled by him in attending the meetings of said board, which sum or sums shall be paid out of any moneys in the hands of the treasurer of said board.

§ 9. The first meeting of said board shall be held within thirty days after their appointment as aforesaid, at a time and place to be fixed by a majority thereof, who shall give suitable notice thereof, to all members of said board. At such meeting the board shall elect from among its members a treasurer. The treasurer shall receive all fees paid for licenses and shall keep a record thereof of all disbursements of said board, in a book to be kept for that purpose. The treasurer shall not pay out or disburse any of the moneys so received by him except upon the order of the board. Before entering upon the performance of his duties the treasurer shall file with the state comptroller a bond with sufficient sureties to the people of the state of New York, in the sum of five thousand dollars, to be approved by the state comptroller; conditioned that he will pay over all moneys received by him according to law and in compliance with the provisions of this act, and that he will otherwise faithfully discharge the duties of his office.

§ 10. The board of examiners shall have the power to appoint subboards of examiners in such cities and towns of this state as they in their judgment shall deem necessary. Such subboards shall each consist of one steam stationary engineer and one steam stationary fireman and shall possess the same qualifications, receive the same compensation and have the same power as the said board of examiners of the state of New York. While conducting the examination provided for by this act said subboards shall be subject at all times to the jurisdiction and control of the "board of steam engineer examiners of the state of New York," and shall serve during the pleasure of said state board. The subboards shall report the result of their examinations without delay to the State board of examiners and the latter shall issue licenses to the persons who have qualified in said examinations.

§ 11. For the purpose of examining applicants for licenses under this act the said board of examiners shall appoint times and places for holding examinations. Said state board of examiners shall prescribe the mode and



manner of conducting such examinations. Said board of examiners is authorized to incur all expenses necessary to carry out in a prompt and efficient manner the provisions of this act and to pay the same out of any moneys in the hands of the treasurer of said board except, however, said board of examiners shall not incur any expense or obligation for which the state of New York shall be liable.

§ 12. The fees as hereinbefore stated shall constitute a fund to pay the compensation and expenses of said state board and subboards. In case an applicant for a license shall fail to pass the required examination the amount of his fee shall be returned to him.

§ 13. The state board shall cause to be made and filed with the state comptroller on or before the first day of December of each year, a report showing the receipts and disbursements of said board and the balance in the hands of the treasurer of said board, together with a statement of the amount of such balance necessary to be held in the hands of the said treasurer to meet the expenses of the ensuing year. The comptroller shall thereupon make and file in his office an estimate of the amount of such balance necessary to be held by said board for the purposes hereinafter stated, which sum may be retained by said board for said purposes and the balance of said surplus paid by the treasurer of said board into the state treasury.

§ 14. No person shall be eligible to procure a license under this act unless the said person be a citizen of the United States.

§ 15. All persons having charge of or operating an engine or boiler in use upon locomotives or in government buildings or on motor road vehicles; boilers in apartment houses, boilers used for agricultural purposes exclusively, boilers used for heating purposes carrying a pressure not exceeding ten pounds to the square inch; all shall be exempt from the provisions of this act.

§ 16. This act shall take effect immediately.

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### **Exhibit 11.**

#### **PROVIDING FOR THE LICENSING OF STATIONARY ENGINEERS.**

Assembly Bill No. 1283, introduced by Mr. Sullivan, March 10, 1904 (No. 1008). Laid aside on order of second reading. (Identical with Senate Bill No. 942, introductory No. 740).

**FOR THE LICENSING OF STATIONARY ENGINEERS, FOR THE PROTECTION OF LIFE AND PROPERTY AGAINST LOSS OR DAMAGE FROM THE OPERATION OF STEAM BOILERS OR STEAM ENGINES BY INCOMPETENT PERSONS.**

Section 1. It shall be unlawful hereafter for any person to have charge of or operate a steam boiler or engine in municipalities of New York, except locomotive boilers and engines, and property under the jurisdiction of railroad corporations, and boilers under the jurisdiction of the United States, and boilers used for heating or agricultural purposes, not exceeding one hundred and fifty square feet of heating surface, unless he holds a license as hereinafter provided. And it shall be unlawful for any owner or user of any boiler or engine other than those excepted, to operate, or cause to be operated, a steam engine or boiler for a period of more than two weeks without a duly licensed engineer.

**EXPLANATION**—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

§ 2. The mayor, the board of aldermen, common council or other governing body of any municipality of the state of New York shall, within sixty days after the passage of this act, appoint an examining engineer, who has had at least ten years practical experience as a stationary engineer, as examiner of engineers; his term of office shall be three years, at the expiration of which time the mayor or other governing body shall appoint his successor similarly qualified; and shall grant the license hereinafter provided for; and shall receive for his compensation and duties fifty per centum of all fees collected for granting and renewals of license.

§ 3. Any person desiring to act as an engineer, and having had one year's experience in an engine or boiler room, shall make application to so act to the examiner in his municipality upon blanks furnished by the examiner; and if after a practical examination the applicant is found trustworthy and competent, a license shall be granted to said applicant within forty-eight hours. No person shall be entitled to receive more than one examination within ninety days, except in case of an appeal granted by the examiners, said license to continue in force for one year from date thereon, unless after a proper hearing it is sooner revoked for intoxication or other sufficient cause, and renew it every year on application to the authority granting the same, or at such time as may be determined by said authority. In case of the loss of a license by fire or other means, a new license shall be granted in its place without examination, upon satisfactory proof to the examiner.

§ 4. Any engineer who has had three years' experience in a boiler or engine room will be granted a license without examination for any particular plant and no other, providing his application is endorsed by two reliable persons as to his character and ability.

§ 5. The words "have charge" in this act shall be construed to designate the person under whose supervision a boiler or engine is operated.

§ 6. Every person who shall satisfy the examiner that he is a safe and competent person to operate and have charge of the steam plant, boiler or engine specified in his application shall, on payment of two dollars receive a license permitting him to operate the same for one year; said license shall apply only to the plant, boiler or engine for which it is issued; and before taking charge of another plant, the license shall apply for another license for such other plant, for which license, if the application is made within a year, no charge shall be made. For annual renewals of such license, a fee of one dollar shall be paid. Said license must be framed and hung in a conspicuous place in the plant, or upon or near the engine for which it is issued.

§ 7. Any person found guilty of any violation of the provisions of this act, except in section eight thereof, shall be fined not more than twenty-five dollars nor less than ten dollars.

§ 8. Any engineer in charge of any steam engine or boiler who shall abandon it while in operation, without leaving a person in charge of the same, who shall, in the opinion of the employer of said engineer, or of the owner of such engine or boiler be competent to take charge of the same, shall be fined not more than ten dollars. Any trial justice may in his discretion take jurisdiction in complaints of violation of this act.

§ 9. The examiners shall have their offices located with suitable rooms for the purpose of holding examinations within their respective municipality, and shall be provided by the governing body of said municipality, where shall be

kept all records of his office, and to give a bond of three thousand dollars for the faithful performance of his duties; all bonds required by this act to be given shall be approved by the mayor or other governing body. Said examiners shall pay into the treasury of their respective municipality, all fees collected and received from the issue of licenses and the renewals of the same, and file a monthly report with the mayor or other governing body of the business of his office, and the amount of money received by him and paid into the treasury of their respective municipality on or before the tenth day of each month.

§ 10. That this act shall not conflict with any city or town now having a license law, but shall apply to all cities and towns in the state of New York where a license law is not now in effect.

§ 11. This act shall take effect within ninety days after its passage.

### Exhibit 12.

PROVIDING FOR THE LICENSING OF STATIONARY FIREMEN IN NEW YORK CITY. Assembly Bill No. 1413, introduced by Mr. Richter, March 16, 1904. Referred to Committee on Affairs of Cities. Not reported.

TO AMEND CHAPTER SEVEN HUNDRED AND THIRTY-THREE OF THE LAWS OF NINETEEN HUNDRED AND ONE, ENTITLED "AN ACT TO PROVIDE FOR THE LICENSING OF FIREMEN OPERATING STEAM STATIONARY BOILER OR BOILERS IN THE CITY OF NEW YORK."

Section 1. Section one of chapter seven hundred and thirty-three of the laws of nineteen hundred and one, entitled "An act to provide for the licensing of firemen operating steam stationary boiler or boilers in the city of New York," is hereby amended to read as follows:

§ 1. It shall be unlawful for any [fireman or firemen] *person or persons, except a duly licensed engineer, to fire or to operate steam stationary boiler or boilers in the city of New York, unless [the fireman or firemen so operating such boiler or boilers] such person or persons are duly licensed as fireman or firemen as hereinafter provided.* Such fireman or firemen to be under the supervision and direction of a duly licensed engineer or engineers.

§ 2. Section two of the said act is hereby amended to read as follows:

§ 2. [Should any boiler or boilers be found at any time to be fired or operated by any person who is not a duly licensed fireman or engineer as provided by this act, or duly licensed engineer, the owner or lessee thereof shall be notified, and if after one week from notification the same boiler or boilers is again found to be fired or operated by a person or persons not duly licensed under this act, it shall be deemed prima facie evidence of a violation of this act.] *It shall be unlawful for any person, firm or corporation in the city of New York to employ any person or persons, except a duly licensed engineer, to fire or to operate steam boiler or boilers unless such person or persons are duly licensed as fireman or firemen as hereinafter provided.*

§ 3. Section three of the said act is hereby amended to read as follows:

§ 3. Any person desiring to [act as a fireman] *be licensed as hereinafter provided* shall make application for a license [to so act] to the steam boiler bureau of the police department [as now exists for licensing engineers, who] *which shall furnish to each applicant blank forms of application, which application when filled out shall be signed by a licensed engineer engaged in work-*

ing as an engineer in the city of New York, who shall therein certify that the applicant is of good character, and has been employed as *fireman*, oiler, coal-passer or general assistant under the instructions of a licensed engineer on or in a building or buildings in the city of New York, or on any steam-boat, steamship or locomotive for a period of not less than two years. The applicant shall be given a practical examination by the board of examiners detailed as such by the police commissioner and if found competent as to his ability to operate a steam boiler or boilers as specified in section one of this act shall receive within six days after such examination a license as provided by this act. Such license may be revoked or suspended at any time by the police commissioner upon the proof of deficiency. Every license issued under this act shall continue in force for one year from the date of issue unless sooner revoked as above provided. Every license issued under this act unless revoked as herein provided shall at the end of one year from date of issue thereof, be renewed by the board of examiners upon application and without further examination. Every application for renewal of license must be made within thirty days [of] *prior* to the expiration of such license. With every license granted under this act there shall be issued to every person obtaining such license a certificate, certified by the officers in charge of the boiler inspection bureau. Such certificate shall be placed *and kept posted* in the boiler room of the plant operated by the holder of such license, so as to be easily read.

§ 4. The said act is hereby further amended by inserting therein a new section to be known as section five and to read as follows:

§ 5. *Any person who violates any provision of this act shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.*

§ 5. Section five of the said act is hereby amended to read as follows:

§ 6. [§ 5.] All persons operating boilers in use upon locomotives or in government buildings, and those used for heating purposes carrying a pressure not exceeding ten pounds to the square inch, shall be exempt from the provisions of this act. Such license will not permit any person other than a duly licensed engineer to take charge of any boiler or boilers in the city of New York.

§ 6. This act shall take effect immediately.

### Exhibit 13.

#### AMENDING THE BARBERS' LICENSING LAW.

Assembly Bill No. 1309, introduced by Mr. Brooks, March 11, 1904 (No. 1022). Referred to Committee on General Laws. Not reported..

AN ACT TO AMEND CHAPTER SIX HUNDRED AND THIRTY-TWO OF THE LAWS OF NINETEEN HUNDRED AND THREE, ENTITLED "AN ACT TO REGULATE THE PRACTICE OF BARBERING IN THE STATE OF NEW YORK; TO ESTABLISH A STATE BOARD OF BARBER EXAMINERS, AND TO PROVIDE FOR THE SANITARY INSPECTION OF BARBER SHOPS," IN RELATION TO RENEWALS OF CERTIFICATES OF REGISTRATION AND APPRENTICES.

Section 1. Section nine of chapter six hundred and thirty-two of the laws of nineteen hundred and three, entitled "An act to regulate the practice of barbering in the state of New York; to establish a state board of barber

examiners, and to provide for the sanitary inspection of barber shops," is hereby amended to read as follows:

§ 9. Said board shall furnish to each person to whom a certificate of registration is issued, a card or insignia bearing the seal of the board and the signature of its president and secretary, certifying that the holder thereof is entitled to practice the occupation of a barber or an apprentice to a barber in this state, and it shall be the duty of the holder of such card or insignia to post the same in a conspicuous place in the shop or place where he is working, where it may be readily seen by all persons whom he or she may serve. *Such card or insignia shall be renewed on or before the first day of July in each year, and the holder of said certificate of registration shall pay to the treasurer of said board the sum of one dollar for said renewal card or insignia. Upon failure of any holder of a certificate of registration to apply for a renewal of his card or insignia on or before the first day of July in each year, his said certificate of registration shall be revoked by said board, subject to the provisions of this act.*

§ 2. Section thirteen of such act is hereby amended to read as follows:

§ 13. To shave, trim the beard, or cut the hair of any person, or do anything in any way pertaining to the occupation of a barber, for hire or reward, received by the person performing such service, or any other person, shall be construed as practicing the occupation of a barber within the meaning of this act. *Nothing in this act shall prohibit any person serving as an apprentice in said trade under a barber authorized to practice the same under this act: Provided, any person serving as an apprentice shall have his name registered with the secretary of the state board, and shall pay a fee of fifty cents therefor, and cause to be entered on said register the date of his apprenticeship, and after serving three years as such apprentice he will be eligible to become a registered barber after complying with the conditions of this act.* [This act shall not in any way apply to or affect any person who is now occupied or working as a barber in this state, nor any person employed in a barber shop, or an apprentice, except that a person so employed less than three years prior to the passage of this act, shall be considered an apprentice, and at the expiration of such three years of such employment shall be subject to the provisions of this act.]

§ 3. This act shall take effect immediately.

#### Exhibit 14.

#### AMENDING THE EMPLOYERS' LIABILITY LAW.

Senate Bill No. 1373, introduced by Mr. Dowling, February 11, 1904 (No. 363, which was identical with Assembly Bill, Int. No. 1346). Amended and referred to the Committee of the Whole.

TO AMEND CHAPTER SIX HUNDRED OF THE LAWS OF NINETEEN HUNDRED AND TWO, ENTITLED "AN ACT TO EXTEND AND REGULATE THE LIABILITY OF EMPLOYERS TO MAKE COMPENSATION FOR PERSONAL INJURIES SUFFERED BY EMPLOYEES."

Section 1. Section one of chapter six hundred of the laws of nineteen hundred and two, entitled "An act to extend and regulate the liability of em-

EXPLANATION—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

ployers to make compensation for personal injuries suffered by employees" is hereby amended by adding a new subdivision thereto to be known as subdivision three and to read as follows:

*Subdivision 3. By reason of the negligence of any person in the service of any employer or who has the charge or control of any signal, switch, locomotive engine or train upon a railroad; the employee, or in case the injury results in death the legal representatives of such employee, shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of nor in the service of the employer nor engaged in his work.*

§ 2. This act shall take effect immediately.

## LEGAL RIGHTS AND PRIVILEGES OF WORKINGPEOPLE.

### Exhibit 15.

#### RELATING TO THE ASSIGNMENT OF WAGES.

Senate Bill No. 1216, introduced in the Assembly by Mr. Burke as Assembly Bill No. 204. Passed both houses as amended. Vetoed by the Governor.

#### RELATING TO LOANS ON SALARIES.

Section 1. All persons and corporations in cities of the first and second class engaged in the business of loaning money on salaries, wages and earnings, or for the security of which assignments of salaries, wages and earnings are taken, shall, on or before the fifteenth day of each month, file with the county clerk where such loans are made, a detailed statement showing the amount of money loaned to each person during the preceding calendar month, together with the names of the persons to whom loaned and the amount of interest charged on each loan. Any person or corporation failing to comply with the provisions of this act shall be subject to a penalty of fifty dollars for each such failure.

§ 2. This act shall take effect September first, nineteen hundred and four.

### Exhibit 16.

#### PROVIDING FOR THE LICENSING OF MONEY LENDERS IN CITIES.

Assembly Bill No. 826, introduced by Mr. McManus, February 23, 1904 (No. 702). Passed. In Senate referred to the Committee on Judiciary. Not reported.

#### REQUIRING LENDERS OF MONEY ON SALARIES OF EMPLOYEES IN CITIES OF THE FIRST CLASS TO BE LICENSED, AND PROVIDING FOR THE RATE OF INTEREST TO BE CHARGED BY THEM.

Section 1. Any person or persons, firm, corporation or company who shall engage in the business of making to any employees advances of money, or loans on account of salary or wages due or to be earned in the future by such employees upon an assignment or note covering such loans or advances in a city of the first class shall not acquire any right to collect or attach the same

EXPLANATION—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

while in the possession or control of an employer, unless licensed as provided in this act.

§ 2. Application for such license shall be made in writing to the mayor of the city wherein it is desired to engage in such business. Such application shall state the name or names of the person or persons, firm, corporation or company applying for such license, the place where it is proposed to engage in such business and shall be accompanied by a good and sufficient bond in an amount to be prescribed by the mayor, and with sureties to be approved by him, conditioned for the full payment of all claims against such applicant in behalf of any person borrowing money from such applicant, and for a faithful observance of the provisions of this act. Each such applicant shall, at the time of making such application, pay to the mayor for the use of the city the sum of five hundred dollars as a fee for such license. Such license shall be in force for one year from the date thereof.

§ 3. No person or persons, firm, corporation or company engaged in the business of making to employees advances of money or loans on account of salary or wages due or to be earned in the future, shall charge more than the legal rate of interest for the use of the money so loaned or advanced.

§ 4. This act shall take effect immediately.

### Exhibit 17.

#### AMENDING THE GARNISHMENT LAW.

Assembly Bill No. 1626, introduced by Mr. Monroe, January 14, 1904 (No. 27). Amended on third reading, tabled and lost.

#### TO AMEND THE CODE OF CIVIL PROCEDURE, IN RELATION TO EXEMPTIONS AND EXECUTIONS.

Section 1. Section thirteen hundred and ninety-one of the code of civil procedure is hereby amended so as to read as follows:

§ 1391. In addition to the exemptions, allowed by the last section, necessary household furniture, working tools and team, professional instruments, furniture and library, not exceeding in value two hundred and fifty dollars, together with the necessary food for the team for ninety days, are exempt from levy and sale by virtue of an execution, when owned by a person, being a householder, or having a family for which he provides, except where the execution is issued upon a judgment, recovered wholly upon one or more demands, either for work performed in the family as a domestic, or for the purchase money, of one or more articles, exempt as prescribed in this or the last section. Where a judgment has been recovered wholly for necessities sold, or work performed in a family as a domestic, or for services rendered for salary owing to an employee of the judgment debtor, and where an execution issued upon said judgment has been returned wholly or partly unsatisfied, and where any wages, debts, earnings, salary, income from trust funds or profits are due and owing to the judgment debtor, or shall thereafter become due and owing to him, to an amount exceeding [twenty] *twelve* dollars per work, and where no execution issued as hereafter provided for in this section is unsatisfied and outstanding against said judgment debtor, *except one issued and outstanding upon a judgment by confession*, the judgment creditor may apply to the court in which said judgment was recovered *or the court*

*having jurisdiction of the same* and upon satisfactory proof of such facts, by affidavit or otherwise, the court, if a court not of record, a judge or justice thereof, must issue, or if a court of record, a judge or justice, must grant an order directing that an execution issue against the wages, debt, earnings, salary, income from trust funds or profits of said judgment debtor, and on presentation of such execution by the officer to whom delivered for collection to the person or persons from whom such wages, debts, earnings, salary, income from trust funds or profits are due and owing, and may thereafter become due and owing to the judgment debtor, said execution shall become a lien and a continuing levy upon the wages, earnings, debts, salary, income from trust funds or profits due or to become due to said judgment debtor to the amount specified therein, which shall not exceed ten per centum thereof, and said levy shall be a continuing levy until said execution and the expenses thereof are fully satisfied and paid, or until modified as hereinafter provided. It shall be the duty of any person or corporation to whom said execution shall be presented, and who shall at such time be indebted to the judgment debtor named in such execution, or who shall become indebted to such judgment debtor in the future, and while said execution shall remain a lien upon said indebtedness to pay over to the officer presenting the same, such amount of such indebtedness as such execution shall prescribe until said execution shall be wholly satisfied, and such payment shall be a bar to any action therefor by any such judgment debtor. If such person or corporation to whom said execution shall be presented shall fail or refuse to pay over to said officer presenting said execution, the percentage of said indebtedness, he shall be liable to an action therefor by the judgment creditor named in such execution, and the amount so recovered by such judgment creditor shall be applied towards the payment of said execution. Either party may apply at any time to the court from which such execution shall issue, or to any judge or justice issuing the same, or to the county judge of the county, and in any county where there is no county judge, to any justice of the city court upon such notice to the other party as such court, judge, or justice shall direct for a modification as said execution, and upon such hearing the said court, judge or justice may make such modification of the said execution as shall be deemed just, and such execution as so modified shall continue in full force and effect until fully paid and satisfied, or until further modified as herein provided.

§ 2. This act shall take effect immediately.

## PUBLIC EMPLOYMENT.

### Exhibit 18.

#### PROVIDING FOR THE SUB-DIVISION OF CONTRACTS FOR PUBLIC WORKS.

Assembly Bill No. 1362, introduced by Mr. Mortimer, January 22, 1904 (No. 159). Amended and passed by the Assembly. In Senate referred to the Committee on Judiciary. Not reported.

#### TO REGULATE THE AWARDED OF AND THE ASSIGNMENT AND SUBLETTING OF CONTRACTS FOR PUBLIC WORK.

Section 1. Every officer, board, department or commission charged with the duty of preparing specifications or awarding or entering into contracts for

EXPLANATION—Matter italicized is new; matter in brackets [ ] is old law to be omitted.



the erection and construction of buildings for the state or any city must prepare separate specifications and award and enter into separate contracts for the performance of the separate branches of the work as follows: Construction; plumbing; heating; electrical work; work of painting, decorating, wood finishing or carving. Said specifications must be so drawn as to permit unfettered bidding for and upon said separate branches of work to be performed.

§ 2. All contracts hereafter awarded by the state or any city or department, board, commission, or officer thereof, for the erection and construction of buildings shall be awarded separately upon the separate branches of work, as specified in section one of this act, to responsible and reliable persons, firms or corporations engaged in the business of the kind to which the work to be performed belongs, unless lower bids are received for all of said branches of work taken together.

§ 3. This act shall take effect immediately.

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#### Exhibit 19.

#### PROVIDING FOR HOLIDAYS WITH PAY FOR WORKMEN EMPLOYED BY THE CITY OF NEW YORK.

Assembly Bill No. 792, introduced by Mr. Burns, February 22, 1904 (Int. No. 672). Passed the Assembly. Referred to Senate Committee on Cities. Not reported.

#### TO AMEND THE GREATER NEW YORK CHARTER, RELATIVE TO THE PAYMENT OF WAGES OF MECHANICS, ASSISTANT MECHANICS AND LABORERS.

Section 1. Title five of chapter six of the Greater New York charter, as reenacted by chapter four hundred and forty-six of the laws of nineteen hundred and one, is hereby amended by adding at the end thereof a new section to be known as section two hundred and forty-four and to read as follows:

#### PAYMENT OF WAGES OF MECHANICS, ASSISTANT MECHANICS AND LABORERS.

§ 244. Mechanics, assistant mechanics and laborers employed in any of the departments, bureaus, institutions and offices of the city of New York, whose wages are paid by such city, shall be paid their full per diem wages for each legal holiday or half-holiday although they are not engaged in the performance of labor on such holiday or half-holiday.

§ 2. This act shall take effect immediately.

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#### Exhibit 20.

#### PROVIDING FOR HOLIDAYS WITH PAY FOR WORKMEN EMPLOYED ON STREET WORK IN NEW YORK CITY.

Assembly Bill No. 342, introduced by Mr. Reilly, February 2, 1904 (No. 326). Referred to the Committee on Affairs of Cities.

#### TO AMEND THE GREATER NEW YORK CHARTER, IN RELATION TO THE COMPENSATION, ON SUNDAYS AND PUBLIC HOLIDAYS, OF PERSONS EMPLOYED IN THE CONSTRUCTION OR REPAIR OF STREETS OR SEWERS.

Section 1. The Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby

EXPLANATION—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

amended by inserting therein a new section to be section four hundred and two and to read as follows:

**COMPENSATION OF PERSONS EMPLOYED ON SUNDAYS OR PUBLIC HOLIDAYS IN  
CONSTRUCTING OR REPAIRING STREETS OR SEWERS.**

§ 402. All persons regularly employed by the city in the construction or repair of streets or sewers performing service on Sundays or public holidays, except Saturday half-holidays, shall be entitled to receive compensation therefor equal to twice the amount per diem which they are paid on week days; and the board of estimate and apportionment and the board of aldermen shall annually appropriate sufficient money therefor.

§ 2. This act shall take effect immediately.

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**Exhibit 21.**

**PROVIDING FOR HOLIDAY PAY FOR THE STREET CLEANERS OF NEW  
YORK CITY.**

Assembly Bill No. 343, introduced by Mr. Reilly, February 2, 1904 (No. 327). Referred to the Committee on Affairs of Cities. Not reported.

**TO AMEND THE GREATER NEW YORK CHARTER, IN RELATION TO THE COMPEN-  
SATION OF MEMBERS OF THE UNIFORMED FORCE OF THE STREET CLEANING  
DEPARTMENT ON SUNDAYS AND PUBLIC HOLIDAYS.**

Section 1. The Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by inserting therein a new section to be section five hundred and thirty-a, and to read as follows:

**COMPENSATION OF UNIFORMED FORCE ON SUNDAYS AND PUBLIC HOLIDAYS.**

§ 530-a. The members of the uniformed force of the street cleaning department performing services on Sunday or a public holiday, except a Saturday half-holiday, shall be entitled to receive compensation therefor equal to twice the amount per diem which they are entitled to receive pursuant to section five hundred and thirty of this chapter, and the board of estimate and apportionment and board of aldermen shall annually appropriate sufficient money therefor.

§ 2. This act shall take effect immediately.

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**Exhibit 22.**

**RELATIVE TO WAGES AND HOURS OF EMPLOYEES OF THE STREET CLEANING DE-  
PARTMENT, NEW YORK CITY.**

Senate Bill No. 894, introduced by Mr. Grady, February 25, 1904 (No. 525). Amended and recommitted to the Committee on Affairs of Cities.

**TO AMEND THE GREATER NEW YORK CHARTER RELATIVE TO THE DEPARTMENT  
OF STREET CLEANING, BY AMENDING SECTIONS FIVE HUNDRED AND THIRTY-  
FOUR, FIVE HUNDRED AND THIRTY-SIX, FIVE HUNDRED AND FORTY-FOUR AND  
FIVE HUNDRED AND FORTY-FIVE THEREOF.**

Section 1. Sections five hundred and thirty-four, five hundred and thirty-six, five hundred and forty-four and five hundred and forty-five of the

EXPLANATION—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, are hereby amended so as to read as follows:

§ 534. The commissioner of street cleaning shall have cognizance and control:

§ 536. The members of the department of street cleaning shall be divided into two general classes, to be designated, respectively, the clerical force and the uniformed force. The clerical force shall consist of a chief clerk, medical examiners, not exceeding [three] *six* in number, *veterinary surgeons, not exceeding six in number*, and such and so many clerks and messengers as the commissioner of street cleaning shall deem necessary. The uniformed force shall be appointed by the commissioner of street cleaning, and shall consist of one general superintendent, one assistant superintendent, *one superintendent of stables, three general inspectors*, one superintendent of final disposition, one assistant superintendent of final disposition, district superintendents, not exceeding twenty-one in number; time collectors, not exceeding eight in number; section foremen, not exceeding one hundred and twenty-five in number; dump inspectors, not exceeding forty-three in number, assistant dump inspectors, not exceeding forty-three in number; sweepers, not exceeding thirty-one hundred in number; dump boardmen, not exceeding forty-three in number; drivers, not exceeding sixteen hundred in number; *stablemen, for each stable, not exceeding one for every ten drivers assigned to such stable*; stable foremen, not exceeding twenty-one in number; assistant stable foremen, not exceeding twenty-one in number; hostlers, not exceeding one head hostler to each stable and additional hostlers not exceeding one for each ten horses; a master mechanic and such and so many mechanics and helpers as may be necessary, *and one civil engineer*. The commissioner of street cleaning shall have power and is hereby authorized to increase the said uniformed force, from time to time, by adding to the number of sweepers, drivers and hostlers, provided the board of estimate and apportionment and the board of aldermen shall have previously made an appropriation for the purpose of permitting such increase. The annual salaries and compensation of the members of the uniformed force of the department of street cleaning shall not exceed the following: Of the general superintendent, three thousand *three hundred dollars*; of the assistant superintendent, [two thousand five hundred dollars] *two thousand eight hundred dollars*; of the superintendent of stables, *two thousand five hundred dollars*; of the master mechanic, [one thousand eight hundred dollars] *two thousand five hundred dollars*; of the civil engineer, *two thousand dollars*; of the general inspectors, *two thousand dollars, each*; of the superintendent of final disposition, [two thousand] *twenty-seven hundred and fifty dollars*; of the assistant superintendent of final disposition [one thousand five hundred] *two thousand dollars*; of the district superintendents, one thousand eight hundred dollars each; *provided that a member of the uniformed force of the department not below the grade of district superintendent detailed to supervise the entire work of the department in either of the boroughs of Brooklyn or the Bronx shall receive for the borough of Brooklyn at the rate of three thousand dollars per annum while so detailed, and for the borough of the Bronx at the rate of two thousand five hundred*

EXPLANATION.—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

*dollars per annum while so detailed*; of the time collectors, one thousand two hundred dollars each; of the section foremen, one thousand two hundred dollars each; of sweepers or drivers acting as assistants to the section or stable foremen, nine hundred dollars each; of the dump inspectors, one thousand two hundred dollars each; of the assistant dump inspectors, nine hundred dollars each; of the dump boardmen, seven hundred and twenty dollars each; of the sweepers, seven hundred and twenty dollars each; of the drivers, seven hundred and twenty dollars each; *provided, however, that the annual salaries of drivers who have served continuously for at least one year in the uniformed force of the department of street cleaning shall be not more than eight hundred dollars each*; of the stable foremen, one thousand three hundred dollars each; of the assistant stable foremen, one thousand dollars each; of the hostlers, seven hundred and twenty dollars each; *of the stablemen, seven hundred and twenty dollars each*; hostlers may receive extra pay for Sundays if an appropriation therefor is made by the board of estimate and apportionment, and sweepers and drivers shall be entitled to receive extra pay for Sunday work at the rate of twenty-five cents per hour, but this provision for extra pay shall not apply to sweepers or drivers during the time that they are detailed to other work than that of actual sweeping or driving. The commissioner of street cleaning shall have authority in his discretion to select and employ temporarily persons for the detection of crime within his department to be paid out of an available branch of the appropriation made for his department. The members of the department of street cleaning shall be employed at all such times and during such hours and upon such duties as the commissioner of street cleaning shall direct for the purpose of an effective performance of the work devolving upon the said department. In case of a snowfall or other emergency, the commissioner of street cleaning or the deputy commissioner may hire and employ temporarily such and so many men, carts and horses as shall be rendered necessary by such emergency, forthwith reporting such action with the full particulars thereof to the mayor, but no man, cart or horse shall be so hired or employed for a longer period than three days, except that any person registered or eligible to appointment as a driver, or a sweeper, may be temporarily employed at any time as an extra driver or sweeper to fill the place of a driver or sweeper who is suspended or temporarily absent from duty from any cause. The rate of compensation for such extra drivers or sweepers shall be two dollars per day, and the driver or sweeper whose place is so filled shall not receive any compensation for the time during which he is so absent from duty or his place is so filled, *unless his absence shall be caused by injury or illness and unless such injury or illness was caused by service in the department*. The services of any person employed, and of carts and horses hired pursuant to this section, shall be paid for in full and directly by the department of street cleaning, at such times as may be prescribed by such department of street cleaning, and they, and each of them, shall be employed and hired directly by the department of street cleaning and not through contractors or other persons, unless the commissioner himself shall determine that this requirement must for proper action in a particular instance be dispensed with. *The police commissioner upon the requisition of the commissioner of street cleaning shall detail to the service of the department of*

*street cleaning for the purpose of executing and enforcing the orders and regulations of the said commissioner and the ordinances of the board of aldermen and the sanitary code and other regulations of the board of health in relation to the cleaning and keeping clean of the streets and the collection and removal of ashes, street sweepings, garbage and other light refuse of the city of New York, not exceeding seventy suitable officers and men of experience, of at least five years' service in the police force, provided that the department of street cleaning shall pay monthly to the police department an amount equal to the monthly pay of the officers and men so detailed; such officers and men shall belong to the street cleaning company of police, and shall report to the commissioner of street cleaning. The commissioner of street cleaning may report back to the board of police commissioners for punishment any member of said company guilty of any breach of orders or discipline or of neglecting his duty, and thereupon the board of police commissioners may detail another officer or man in his place, and the discipline of the said members of the street cleaning company shall be in the jurisdiction of the police department, but at any time that the commissioner of street cleaning may object to the efficiency of any member of said street cleaning company, thereupon another officer or man shall be detailed in his place. Nothing herein contained shall affect any existing contracts made with or by the department of street cleaning in regard to the cleaning of Broadway below Fourteenth street in said city or the renewal thereof, if deemed best by the commissioner of said department. Neither the commissioner of street cleaning, nor any deputy commissioner of street cleaning, nor any member of the uniformed force of the street cleaning department, shall be permitted to contribute any moneys, directly or indirectly, to any political fund, or intended to effect legislation for or on behalf of the street cleaning department or any member thereof.*

\* \* \* \* \*

§ 2. This act shall take effect immediately.

### Exhibit 23.

**PROVIDING FOR AN EIGHT-HOUR DAY FOR STREET CLEANERS IN NEW YORK CITY.**  
Senate Bill No. 190, introduced by Mr. Wagner, January 27, 1904 (No. 184, identical with Assembly Bill No. 306). Referred to the Committee on Affairs of Cities.

**TO AMEND THE GREATER NEW YORK CHARTER, RELATIVE TO THE DEPARTMENT OF STREET CLEANING.**

Section 1. Section five hundred and thirty-six of the Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 536. The members of the department of street cleaning shall be divided into two general classes, to be designated, respectively, the clerical and the uniformed force. \* \* \* *there shall be paid to the sweepers and drivers of said uniform force additional compensation for labor performed by them in excess of forty-eight hours in any one week, at a pro rata rate for each hour in excess of such forty-eight hours.*

\* \* \* \* \*

§ 2. This act shall take effect immediately.

EXPLANATION—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

**Exhibit 24.**

**RELATIVE TO THE COMPENSATION OF POLICEMEN IN NEW YORK CITY.**

Assembly Bill No. 1879, introduced by Mr. Bostwick, February 4, 1904 (No. 361). Amended and recommitted to Committee on Cities.

**TO AMEND THE GREATER NEW YORK CHARTER IN RELATION TO THE POLICE DEPARTMENT OF THE CITY OF NEW YORK.**

Section 1. Section two hundred and ninety-nine of the Greater New York charter, being chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven, is amended to read as follows:

§ 209. The annual salaries and compensation of the officers and members of the police force shall be as follows, to wit: Of each inspector of police who was heretofore a deputy chief of police, as provided in section two hundred and seventy-six of this act, five thousand dollars; of each inspector of police, three thousand five hundred dollars; of each captain of police, two thousand seven hundred and fifty dollars; of each police surgeon, three thousand dollars; of each sergeant of police, including detective sergeants, two thousand dollars [of each doorman one thousand dollars]; of each roundsman, one thousand five hundred dollars; and the grade and pay or compensation of patrolmen or policemen shall be as follows, to wit: All such members who are patrolmen and who shall have served five years or upwards on said force, shall be members of the first grade. All such members who shall have served on such force for less than five years and more than four years and six months, shall be members of the second grade. All such members who shall have served on such force for less than four years and six months, and more than four years, shall be members of the third grade. All such members who shall have served on such force for less than four years and more than three years, shall be members of the fourth grade. All such members who shall have served on such force for less than three years and more than two years, shall be members of the fifth grade. All such members who shall have served on such force for less than two years and more than one year, shall be members of the sixth grade. And all persons appointed patrolmen on or after the first day of January, eighteen hundred and ninety-eight, shall be members of the seventh grade. Whenever any member of the seventh grade shall have done service therein for one year, he shall be advanced to the sixth grade. Whenever any member of the sixth grade shall have done service therein for one year, he shall be advanced to the fifth grade. Whenever any member of the fifth grade shall have done service therein for one year, he shall be advanced to the fourth grade. Whenever any member of the fourth grade shall have done service therein for one year, he shall be advanced to the third grade. Whenever any member of the third grade shall have done service therein for six months, he shall be advanced to the second grade. And any member of said force who shall have served six months in the second grade, shall become a member of the first grade. But no such patrolman shall be so advanced as aforesaid, except after examination and approval by the police commissioner of his record, efficiency, and conduct. The annual pay or compensation of the members of the police force who are patrolmen, as aforesaid, shall be as follows: For members of the first grade, at the rate of not less than one thousand four hundred dollars each; for mem-

**EXPLANATION**—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

bars of the second grade, at the rate of not less than one thousand three hundred and fifty dollars each; for members of the third grade, at the rate of not less than one thousand two hundred and fifty dollars each; for members of the fourth grade, at the rate of not less than one thousand one hundred and fifty dollars each; for members of the fifth grade, at the rate of not less than one thousand dollars each; for members of the sixth grade, at the rate of not less than nine hundred dollars each; for members of the seventh grade, at the rate of not less than eight hundred dollars each. *All of the members of the police department who are now or shall hereafter be appointed as doormen shall be graded into four grades by the police commissioner. All of such doormen who are now members of the said department shall be members of the first grade, and all persons appointed doormen on or after the passage of this act, shall be members of the fourth grade. Whenever any member of the fourth grade shall have done service therein for one year he shall be advanced to the third grade. Whenever any member of the third grade shall have done service therein for one year he shall be advanced to the second grade. Whenever any member of the second grade shall have done service therein for one year he shall be advanced to the first grade; but no such doorman shall be so advanced as aforesaid except after examination and approval by the police commissioner of his record, efficiency and conduct.*

*The annual pay or compensation of the members of the police force who are doormen as aforesaid shall be as follows:*

*For members of the first grade at the rate of not less than eleven hundred dollars each; for members of the second grade at the rate of not less than ten hundred dollars each; for members of the third grade at the rate of not less than nine hundred dollars each; for members of the fourth grade at the rate of not less than eight hundred dollars each.*

*For the purpose of carrying out the provisions of this act for the grading, promotion and payment of doormen it is hereby made the duty of the police commissioners of the city of New York within thirty days of the passage of this act to grade members of the police force who are doormen at the time of the enactment hereof into the various grades as provided for herein.*

The pay or compensation aforesaid shall be paid monthly to each person entitled thereto, subject to such deductions for or on account of lost time, sickness, disability, absence, fines, or forfeitures, as the police department may, by rules and regulations, from time to time prescribe or adopt. Nothing in this section contained shall be construed to change in any way the salaries or grading, present or prospective, of the patrolmen or policemen who are or will become members of the New York police force prior to January first, eighteen hundred and ninety-eight. All other patrolmen or policemen of the various police forces consolidated into a single force by the provisions of this act, shall belong, so far as pay or compensation is concerned, to the grade indicated by the pay or compensation which they are respectively receiving on January first, eighteen hundred and ninety-eight. But nothing in this section contained shall be construed to affect in any way the rights and privileges secured under the provisions of this act to the members of the various police forces consolidated into a single force by this act. The date for the eligibility of any member of the forces transferred to the consolidated force by sections two hundred and seventy-seven, two hundred and seventy-eight, two hundred and

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seventy-nine, and two hundred and eighty of this act for advancement to the next grade, shall be the day of the year on which he was originally appointed to the force from which he was transferred; and any member of the forces so transferred not a member of the New York police force prior to January first, eighteen hundred and ninety-eight, whose salary falls between two grades, shall receive the salary of and be assigned to the grade next above the salary he is receiving at the time of transfer. Salaries of all officers in the forces so transferred, other than officers in the New York police prior to January first, eighteen hundred and ninety-eight, shall be equalized on the same basis. If the difference in pay is not more than fifty dollars, the pay shall be equalized at once. If the difference is more than fifty dollars, the pay shall be made uniform within three years by equal annual additions.

§ 2. Section three hundred and sixty-one is amended to read as follows:

§ 361. Police matrons shall, upon appointment, hold office until removal, and they may be removed at any time, by the authority appointing them, under the regulations prescribed for the removal of patrolmen. Immediately upon the death, resignation or removal of a police matron, her successor shall be appointed in the manner hereinbefore provided. [A police matron shall receive the same salary as the doorman in the station house to which she may be appointed.] *The annual compensation, or pay, of police matrons shall be at the rate of not less than one thousand dollars each.*

§ 3. This act shall take effect June one, nineteen hundred and four.

### Exhibit 25.

#### PROVIDING FOR THE RETENTION OF FERRY EMPLOYEES.

Assembly Bill No. 1689, introduced by Mr. Dowling, March 24, 1904 (No. 1232). Passed the Assembly. Referred to Senate Committee on Cities.

#### TO AMEND THE GREATER NEW YORK CHARTER RELATIVE TO EMPLOYEES OF FERRIES.

Section 1. Section eight hundred and twenty-six of the Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, and as amended by chapter six hundred and twenty-four of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 826. Ferries; establishment and leasing of.—The commissioner of docks shall have power and is authorized to lease in the name and for the benefit of the city of New York, in the manner provided by law, the franchise of any ferry or ferries belonging to said city for the highest marketable price or rental, at public auction or by sealed bids, and always after public advertisement and appraisal under the direction of said commissioner, but not for a term longer than twenty-five years, nor for a renewal for a longer term than ten years. And said commissioner shall also possess the power and is hereby authorized to lease in like manner along with the franchise of a ferry or ferries belonging to said city, such wharf property, including wharves, piers, bulkheads and structures thereon and slips, docks and water fronts adjacent thereto, used or required for the purposes of such ferry or ferries,

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now owned or possessed or which may hereafter be owned or acquired by said city or to which the said city is or may become entitled, or of which it may become possessed. But said commissioner shall make no lease authorized by this section, unless the terms of said lease are approved by the commissioners of the sinking fund. The proceeds of said leasing shall on receipt thereof after paying all necessary charges be immediately paid to the credit of the sinking fund. But nothing in this section contained shall be held to apply to that portion of the East river, which is, by law, exclusively set apart for the use of canal boats engaged in the transportation of freights in the Hudson river coming to tide water from the canals of this state. Leases of such franchises may in the discretion of the commissioner of docks and the commissioners of the sinking fund provide for the character of transportation service to be furnished by the lessee including the character and speed of the boats to be used, frequency of trips, rates of fare and commutation and freight charges, and may provide for forfeiture of the lease in the event of failure to comply with its provisions in regard thereto. Whenever it may be determined by the unanimous vote of the commissioners of the sinking fund, upon the recommendation of the commissioner of docks, that the interests of the city will not be best promoted by leasing the franchise of a ferry in the manner hereinbefore directed, it shall be lawful for said commissioner of docks and said commissioners of the sinking fund by resolutions adopted by such unanimous votes, to lease such franchises by private agreement for terms not exceeding twenty-five years and under such conditions as, in their judgment, will best protect and further the interests of the city and the traveling public, or to acquire the necessary real estate property, plant or equipment for such ferry, including necessary terminal facilities and approaches upon the water front in the borough of Richmond or upon the water front of the borough of Brooklyn between Thirty-eighth street and Sixtieth street, and to provide for the maintenance and operation thereof under the supervision of the commissioner of docks, in the name of and for the benefit of the city of New York, upon a plan to be devised by him and approved by the said commissioners. The revenues derived from such operation, shall on receipt thereof, after payment of all necessary charges, immediately be paid to the credit of the sinking fund.

*Each and every captain and pilot, quartermaster, engineer and assistant engineer, ticket agents, ticket choppers, firemen, deck hands, oilers, gatemen and bridgemen, who, on the first day of January, nineteen hundred and four, was employed as such on any ferry, the operation of which shall, hereafter, be assumed by the city of New York, and who shall continue to be so employed at the time when the operation of said ferry shall be so assumed, shall be retained and assigned to perform the same service on the same ferry at not less than the same salary or wage, after the city of New York shall have assumed the operation thereof, as he performed and received on the first day of January, nineteen hundred and four; no person so assigned or hereafter appointed to employment as captain and pilot, quartermaster, engineer or assistant engineer, ticket agents, ticket choppers, firemen, deck hands, oilers, gatemen and bridgemen, on any ferry operated by the city of New York, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing upon due notice, upon stated*

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*charges and with the right of such employee or appointee to a review by a writ of certiorari. Any person whose rights may in any way be prejudiced contrary to any of the provisions of this section shall be entitled to a writ of mandamus to remedy the wrong.*

§ 2. This act shall take effect immediately.

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**Exhibit 26.**

**PROVIDING FOR PAYMENT OF WAGES TO DISABLED EMPLOYEES OF THE PARK DEPARTMENT, NEW YORK CITY.**

Assembly Bill No. 818, introduced by Mr. Anderson, February 23, 1904 (No. 694). Referred to the Committee on Affairs of Cities. Not reported.

**TO AMEND THE GREATER NEW YORK CHARTER, RELATIVE TO THE DEPARTMENT OF PARKS.**

Section 1. Section six hundred and fourteen of title one, chapter twelve of the Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

**APPOINTMENT OF SUBORDINATE OFFICERS.**

§ 614. The park board shall have power to appoint a secretary and such subordinate officers as may be necessary for the proper conduct of the office of the department. Each commissioner shall have power to appoint such superintendents, engineers, subordinates, clerks and assistants as may be necessary for the efficient performance of the duties of the department respecting the parks, squares and public places within his jurisdiction and also have power to employ all of the mechanics, agents or laborers needed or required for the work of the department in the parks, squares and public places in his jurisdiction within the limits of the proper appropriation. Each commissioner shall have in immediate charge the control and disposition of such members of the police force of the city of New York, as constituted by this act, as may be assigned for duty in the parks, squares or public places subject to his jurisdiction. *But no mechanic, agent, laborer or employee in the pay of the department of parks shall have deducted from his salary any sum of money for time lost or absence from work, when such time lost or absence from work is occasioned by any injury or disability received in the performance of the duty or duties to which he may have been assigned by the park board, or any superintendent or other person in charge and competent in authority to make such assignment of work.*

§ 2. This act shall take effect immediately.

**EXPLANATION**—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

**Exhibit 27.****PROVIDING FOR THE PENSIONING OF TEACHERS.**

Senate Bill No. 43, introduced January 13, 1904, by Mr. Bailey. Reported by Committee on Finance and referred to the Committee of the Whole.

**TO PROVIDE FOR PENSIONING TEACHERS.**

Section 1. On and after January first nineteen hundred five any person who shall have taught in the public schools of the state of New York for a period of thirty-five years, or who, having attained the age of sixty-five years, shall have taught in said public schools at least thirty years, may at his own request be retired from the work of teaching and shall receive thereafter from the public funds of the state an annual pension, payable quarterly, of a sum equal to one-half the average of the annual salary he received during the last five years of his teaching, except that no person shall receive more than one thousand dollars per annum, and provided that the person so retired before the year nineteen hundred fifteen shall have paid into the treasury of the state before receiving such pension a sum equal to two per centum of the total salary he received for teaching during the last ten years of his teaching service.

§ 2. Any person who shall have taught at least ten years and not more than twenty years, and shall then have become physically or mentally disqualified to teach longer, shall receive thereafter from the public funds of the state an annual pension, payable quarterly, of a sum equal to one-fourth of the average of the annual salary he received for the last five years of his teaching, provided that the person so retired shall have paid into the treasury of the state before receiving such pension a sum equal to one per centum of the total salary he received for teaching during his entire teaching service.

§ 3. Any person under sixty-five years of age who shall have taught at least twenty years and not more than thirty years, and shall then have become physically or mentally disqualified to teach longer, shall receive from the public funds of the state an annual pension, payable quarterly, of a sum equal to five-twelfths of the average of the annual salary he received for the last five years of his teaching, provided that the person so retired shall have paid into the treasury of the state before receiving such pension a sum equal to one and one-half per centum of the total salary he received for teaching during the last ten years of his teaching service.

§ 4. Any person entering upon teaching after August first nineteen hundred five shall have deducted monthly one per centum of his salary by the treasurer of the school district in which he is teaching, or by such other officer as shall have charge of the funds for paying teachers, which amount shall at the close of the school year be sent to the treasurer of the state to form a part of the fund from which to pay teachers' pensions.

§ 5. Any person engaged in teaching previous to August first nineteen hundred five and desiring to avail himself of the provisions of this act must indicate such desire by forwarding his name, together with an attested statement of the number of years he has taught and the place or places of such teaching, to the state superintendent of public instruction, or such other officer as shall have supervision of the public schools of the state, on or before August first nineteen hundred five, and shall forward to the state treasurer a sum equal to one per centum of the total salary he has received for all the

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years he has taught, not exceeding thirty-five years, immediately preceding August first, nineteen hundred five, and shall each year thereafter have deducted one per centum of his monthly salary to be paid to the state treasurer to form a part of the fund from which to pay teachers' pensions.

§ 6. The term teacher shall be construed to include superintendents of schools in cities and villages as well as those persons engaged in the direct instruction of children.

§ 7. The fund for the above purpose shall be derived as follows:

1. One per centum of the annual salary of each teacher in the public schools of the state outside of cities of the first class.

2. Five per centum of the state's share of all money received from the excise tax.

3. Five per centum of all the money received by the state from the inheritance tax.

4. Gifts, donations, legacies, bequests, et cetera to form a permanent fund.

5. Interest on the permanent fund.

6. Direct appropriation from the other funds of the state of such other amounts as shall be needed year by year to pay the pensions due.

§ 8. This act shall not apply to any city of the first class nor to any other city which in itself chooses to pension its teachers an amount equivalent to that provided for in this bill.

### Exhibit 28.

#### PROVIDING FOR THE PENSIONING OF VETERANS IN THE CIVIL SERVICE.

Senate Bill No. 919, introduced by Mr. Allds, February 17, 1904 (No. 389). Amended. Referred to Committee of the Whole.

TO AMEND THE CIVIL SERVICE LAW, BY ADDING THERETO ONE SECTION, RELATIVE TO RETIRING VETERANS AND PENSIONING THEM, TO BE KNOWN AS SECTION TWENTY-ONE-A.

Section 1. Chapter three hundred and seventy of the laws of eighteen hundred and ninety-nine, entitled "An act in relation to the civil service of the state of New York and the cities and civil divisions thereof," is hereby amended by inserting therein, after section twenty-one thereof, one new section, to be known as section twenty-one-a, and to read as follows:

§ 21-a. Retiring veterans of the late civil war and granting them pensions.—Every honorably discharged soldier, sailor or marine from the army or navy of the United States in the late civil war, who has been employed for a continuous period of fifteen years or more in the civil service of the state of New York, or of any city, county, town or village thereof, shall, upon reaching the age of sixty-five years or thereafter upon his own request, or, if employed in manual labor, upon becoming incapacitated for performing manual labor, be retired from his employment by the such city, county, town or village, and thereafter and during his life, the state or the city, town or village, which employed him at the time of his retirement, shall pay to him, in the like manner as the salary or wages of his former position were customarily paid to him, an annual sum equal in amount to one-half the salary or wages paid to him in the last year of his said employment; provided, however, that the

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amount so to be paid to such retired veteran shall not exceed the sum of six hundred dollars per annum. Nothing in this section contained shall repeal or in any way curtail, reduce, or affect pensions already provided by law, for any department, bureau, board or commission, of any city, town or village within this state.

§ 2. This act shall take effect immediately.

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### **Exhibit 29.**

#### **ESTABLISHING A RETIREMENT FUND FOR EMPLOYEES OF NEW YORK CITY.**

Senate Bill No. 1325, introduced in the Assembly by Mr. Remsen (Int. No. 543, printed No. 1108) Passed both houses. Vetoed by the Mayor.

TO AMEND THE GREATER NEW YORK CHARTER BY ADDING A NEW TITLE THERETO  
RELATIVE TO THE RETIREMENT FUND OF THE CITY OF NEW YORK.

Section 1. The Greater New York charter as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by adding to chapter six a new title to be known as title seven and to read as follows:

#### **TITLE SEVEN.**

##### **RETIREMENT FUND OF THE CITY OF NEW YORK.**

§ 250. There is hereby established a fund to be called the retirement fund of the city of New York which the comptroller shall receive, have charge of and administer. He shall invest the same or any part thereof as he shall deem proper, and is empowered to make all necessary and proper contracts and take all necessary and proper action and proceedings in relation thereto, and shall pay therefrom annuities that may become payable pursuant to this act. He shall, from time to time, establish such rules and regulations for the administration of the fund as he may deem best, and shall report in detail to the mayor annually in the month of January the condition of said fund and the items of receipts and disbursements on account of the same. No payments shall be allowed to or made by the comptroller as a reward, gratuity or compensation out of said fund to any person for salary or services rendered to or for the comptroller as trustee of said fund. There is hereby established a board to be called the retiring board, which shall consist of the mayor, the comptroller and the chamberlain, which board, subject to the provisions of this act, shall have general jurisdiction over and authority to pass upon all questions that may arise as to retirement under this act, and as to what persons shall be entitled to participate in the retirement fund, and generally as to all questions that may arise as to the carrying out of the provisions of this act. Said board shall so regulate the granting of the retirements and annuities provided for by this act that the obligations of said retirement fund arising thereby shall at no time exceed its income or resources. All applications for retirement shall be addressed to the said board, and shall be acted upon by it within ninety days from the receipt thereof, and in the order of such receipt.

§ 251. The retirement fund of the city of New York shall consist of:

1. Such sum or sums as may be paid into said fund pursuant to section two hundred and fifty-three of this act.

2. All moneys received from donations, legacies, gifts, bequests or otherwise for or on account of said fund.

3. Such an amount of the annual receipts of excise moneys or license fees belonging to the city of New York as constituted by this act, and derived or received by any commission of excise or, public officer from the granting of licenses or permission to sell strong or spirituous liquors, ale, wine or beer or of any moneys paid for taxes upon the business of trafficking in or selling or dealing in strong or spirituous liquors, ale, wine or beer in the boroughs of Manhattan, the Bronx, Brooklyn, Queens and Richmond, under the provisions of any law of this state authorizing the granting of any such licenses or permission, as may be necessary to provide for any deficiency arising in said retirement fund, not exceeding, however, one per centum thereof. Said amount shall be paid into said retirement fund by the comptroller of the city of New York from time to time upon receipt of such moneys by the city of New York.

§ 252. The persons entitled to the benefit of the retirement fund shall be all persons who shall have complied with the terms of this act, and who are officials, officers, clerks or employees, including such employees as the labor law applies to, in any of the executive, administrative or judicial departments, bureaus, boards, commissions or offices of or within the city of New York, or any county within the limits of said city, including also any officers, clerks or employees of any court thereof within said city who have or shall have performed duty faithfully and honestly in the city of New York, or in any of the municipalities, counties or parts thereof which have been incorporated into the city of New York, but no person shall be entitled to payment from the retirement fund who is, or may be, entitled to share in the police pension fund, or in the fire department relief fund, or in the public school teachers' retirement fund, or in the health department pension fund, or in the retirement fund of the college of the city of New York.

Any such person entitled to the benefits of the retirement fund, at any time after he shall have faithfully and honestly performed duty for twenty-five years in the aggregate, shall, upon his own application to the retiring board, be retired from active service, and also any such person entitled to the benefits of the retirement fund, at any time after he shall have faithfully and honestly performed duty for twenty-one years in the aggregate, may make application to the retiring board to be retired from active service and the retiring board shall have power in its discretion to retire such person and thereupon he shall be awarded, granted and paid from the retirement fund an annual sum or annuity equal to one-half of his salary or compensation at the date of such application, provided, however, that such annuity shall not exceed the sum of three thousand dollars; and provided, further, that he shall, at the time of such retirement, have contributed to said retirement fund, in the deductions from his salary hereinafter provided for, or in a lump sum, or both, an amount equal to fifteen per centum of his said annual salary or compensation at the date of such application.

The retiring board shall have power to retire any such person entitled to the benefits of the retirement fund who shall have performed duty ten

years or more in the aggregate, and who shall have become mentally or physically incapacitated for the performance of the duties of his position. or who shall, through no fault or delinquency on his part have been suspended, removed or dismissed from said service, or whose position shall have been abolished. Reasonable notice of its proposed action shall be given by said board to any person intended to be retired because of mental or physical disability, and an opportunity to be heard shall be given to such person; and before taking final action the board shall certify in writing the reasons therefor, and that the interests of the public service require such retirement. Any person so retired because of mental or physical disability, or by suspension, removal or dismissal, or by the abolition of his position, shall be entitled to be paid out of the retirement fund an annual payment or annuity equal to such proportion of the annuity to which he would be entitled upon completing a service of twenty-five years, as the time he shall have served bears to the said term of twenty-five years.

If it shall appear that any person is paid a per diem compensation or is paid a lump sum per annum out of which he is to defray the expenses of his office or any expenses or is paid partly by a salary and partly by board or lodging, then and in that case the head of the department, bureau, board or office in which he is employed shall fix and determine the amount of his annual salary or compensation for the purpose of ascertaining how much shall be deducted from his salary or compensation and how much he is entitled to receive upon retirement under the provisions of this act.

The annuities granted shall be for the natural life of the person receiving the same, and shall not be revoked, repealed or diminished, and shall be paid in such installments and at such times and places as the comptroller may direct.

The term of service shall not be affected by any change in title, duties or salary or by any promotion or by any vacation or leave of absence or by any temporary disability by reason of sickness or accident or by any transfer from one department or office to another department or office during the term preceding the retirement or application for retirement, or by any change of such board, bureau or department from an office paid by fees to a salaried office.

§ 253. No person within the purview of this act shall be entitled, nevertheless, to share in the retirement fund, nor to any benefit thereunder, unless he shall notify the comptroller in writing that he desires to avail himself of the provisions of this act, and consents to the deductions from his salary or compensation as hereinafter specified, nor shall any retirements or annuities herein provided for be granted prior to September first, nineteen hundred and four.

If at the time he so notifies the comptroller he shall have performed duty for a period less than ten years, then there shall be deducted and retained by the comptroller monthly, and transferred to the retirement fund, one per centum of the salary or compensation to which he shall be entitled, until such term of service shall have been continued for ten years; for the next ten years of service, two per centum of his salary shall be similarly deducted and retained and transferred to the retirement fund; for the next ten years of service, three per centum of his salary shall be similarly deducted and

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retained and transferred to the retirement fund; and thereafter during service five per centum of his salary shall be so deducted and retained and transferred to the retirement fund until the date of his retirement. If the person shall have performed duty more than ten years and less than twenty years at the time he so notifies the comptroller, then there shall be deducted and retained by the comptroller monthly and transferred to the retirement fund, two per centum of his salary or compensation, until such term of service shall have continued for twenty years; for the next ten years of service, three per centum of his salary shall be similarly deducted and retained and transferred, and thereafter five per centum of his salary shall be so deducted and retained and transferred to the retirement fund until the date of his retirement. If the person shall have performed duty more than twenty years at the time he so notifies the comptroller, then there shall be deducted and retained by the comptroller monthly and transferred to the retirement fund three per centum of his salary until such term of service shall have continued for thirty years; and thereafter, five per centum of his salary shall be similarly deducted and retained and transferred to the retirement fund, until the date of his retirement.

No person shall be entitled to the benefits of this act unless he shall within three months from the date of its passage, or, if his service or employment shall commence subsequent to its passage, then within one year from the commencement of such service or employment, notify in writing the comptroller that he desires to avail himself of the benefits of this act and is willing to comply with the provisions thereof, and that the deductions from his salary or compensation may be made and transferred to the retirement fund as herein provided.

§ 254. Any person who subsequent to his retirement under the provisions of this act shall accept any office, position or employment to which any salary or emolument is attached in the civil service of the state of New York, or of any county, or any municipal corporation therein, except the office of inspector or clerk of election and registry or other temporary office provided for in the election and registry laws of this state, and except the office of notary public and commissioner of deeds, shall, during such service or employment and while receiving any salary or emolument therefor, relinquish and forfeit the annuity allotted to him upon his retirement under the provisions of this act.

§ 2. This act shall not affect, repeal, modify or change any of the laws now in force giving or conferring pensions on retirement to or upon any person or officer now or heretofore serving or entitled to a pension on retirement from the city of New York.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

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**Exhibit 30.****PROVIDING FOR INDUSTRIAL ARBITRATION.**

Senate Bill No. 946, introduced by Mr. Lewis, March 17, 1904 (No. 744). Referred to Committee on Judiciary. Not reported.

**TO PROVIDE FOR A BETTER TENURE OF EMPLOYMENT OF EMPLOYEES OF PUBLIC SERVICE CORPORATIONS, AND REGULATING THE MANNER OF DISCHARGING SUCH EMPLOYEES.**

Section 1. Steam railroad corporations, electric railroad corporations, electric lighting corporations, corporations engaged in the business of manufacturing and selling gas for fuel and illuminating purposes, and natural gas corporations producing gas for such purposes, water companies under contract to supply any municipal corporation with a supply of potable water for domestic purposes, telegraph companies, telephone companies, and companies engaged in the business of mining or manufacturing salt or petroleum, are public service corporations within the meaning of this act.

§ 2. The public interest requires that the operation of public service corporations should not be interrupted.

§ 3. For the greater protection of the public interests, every public service corporation shall within thirty days after the passage of this act, prepare, execute and deliver to each of its employees a written contract, engaging to retain such employees in the service of such corporation respectively, and not to discharge such employee, or reduce the rate of compensation paid to such employee without first giving to such employee at least thirty days written notice of an intention so to do, except that an individual employee may be discharged without such notice for good cause, to be specified in writing: at the time of such discharge, which writing shall be delivered to the employee so discharged at the time of such discharge. Every public service corporation shall also prepare and present for signature to each of its employees a form of written contract to be signed by each employee within thirty days after this act shall take effect. Such contract shall provide that the employee shall remain in the employ of the company for a period of twenty days after notice in writing of an intention to quit the service of said company; and further, that the employee so signing said contract will observe and faithfully keep all the provisions of this act, so far as the same are applicable to such employee. No employee shall continue in the employ of any such corporation who shall not sign such contract and deliver it to said corporation within five days after he shall have received the same, accompanied by the contract of the corporation duly executed, by which said employee is employed.

§ 4. Whenever the employees of any public service corporation, or whenever the employees belonging to any particular class of employees of any public service corporation, to the number of one-fourth thereof, or to the number of one-fourth of any such class, shall have been notified in writing in accordance with the provisions of this act, either that their services will not be required after a date named in such notice, or that the compensation to be paid after such date shall be reduced below the rate being paid at the time such notice shall be given, such public service corporation shall be deemed to have ordered a lockout either as to its employees or as to the particular class of employees affected by such notices.

§ 5. Whenever the employees of any public service corporation, or, if the employees of any public service corporation are classified, whenever the employees of any particular class to the number of one-fourth thereof shall have given notice in writing to such corporation, after a date named in such notice, there shall be deemed to be a strike of the employees of such corporation, or of the particular class of employees giving such notice.

§ 6. Whenever, by reason of either a strike or a lockout the regular operations of any public service corporation are interfered with, or are likely to be interfered with, it shall be the duty of the attorney-general, either upon the application of any citizen or of his own motion, to apply to the appellate division of the supreme court in the department in which such strike or lockout exists, or if such strike or lockout exists along the line of any railroad, telegraph, telephone, electric light or gas corporation doing business in two or more of the judicial departments of the state, then to apply to the appellate division of the third judicial department for the appointment by such appellate division of three suitable and proper persons to act as arbitrators for the purpose of settling and composing the differences between such corporation and its employees, such application shall be made upon such notice to the parties affected as the appellate division shall prescribe, and if the appellate division is satisfied by the representations of the attorney-general of the existence of either a strike or a lockout, and that the public interests are likely to be injuriously affected thereby, it shall be the duty of such appellate division to appoint three suitable and proper persons who shall hear, try and determine, subject to the approval of the appellate division, all questions in dispute between said corporation and its employees. Such arbitrators so appointed shall each take the constitutional oath of office as an arbitrator, and shall further swear or affirm that he will faithfully try and impartially decide all such questions of difference as may be submitted to them; such oath of office shall be filed in the office of the clerk of the appellate division of the department in which the application for such appointment is made.

§ 7. Within three days after the appointment of such arbitrators they shall convene at a place to be designated in the order appointing them, and shall sit daily, excepting on Sundays, and shall take such proofs as may be offered; they shall appoint one of their number as chairman, who shall have power to administer the usual oath to witnesses, to issue subpoenas for the attendance of persons, and for the production of books, documents and any necessary evidence. And such board of arbitrators may visit the place at which the strike or lockout occurred, and may investigate the causes thereof by personal examination and inspection. The board of arbitrators, shall, within five days after the close of its hearings and the submission to it of the controversy, render a decision in writing, with such reasons as it may have to give therefor, which decision and report shall be presented to the appellate division for its action. Said appellate division shall forthwith consider said report, and either confirm said report or modify it and confirm it as modified, or, if in the judgment of a majority of the members of said appellate division said report and decision are unjust and unfair to either party to the controversy, it may reject said report and decision, and appoint other arbitrators to hear, try and determine the controversy. If said appellate division shall

confirm said report and decision, an order to that effect shall be entered in the office of the clerk of the appellate division. There shall be no appeal from the decision of the appellate division.

§ 8. Upon the entering of the order of the appellate division appointing arbitrators, the attorney-general shall cause to be published in one or more newspapers to be designated by him, printed within the department in which the application is made, directed to whom it may concern, and reciting that such an application has been made, and that arbitrators have been appointed, naming them in said notice, and giving notice of the date of the first hearing, and the place at which such hearing shall be had, and requiring all persons who desire to be heard to attend at such hearing for the purpose of presenting their proofs. Said corporation may be represented by counsel, and the employees of such corporation may appear personally, or by such counsel as they may designate in writing, to be filed with the board of arbitrators. In the event that neither the company nor any of its employees appear before said board of arbitrators, it shall be the duty of such board of arbitrators, notwithstanding such failure of said company and its employees to appear, to proceed forthwith to an investigation of the causes either of the lockout or the strike, and to render to said appellate division such decision and report as such board may agree upon.

§ 9. From and after the first publication by the attorney-general of such notice, it shall be the duty of said corporation to employ in their usual positions all its employees so locked out during the pendency of the hearing and until the final determination of the board of arbitrators and its confirmation by the appellate division; and it shall be the duty of said employees to return forthwith to their usual positions, and to continue during the pendency of such hearing in the performance of their usual services until the final determination of the board of arbitrators and its confirmation by the appellate division.

§ 10. The decision of the said board of arbitrators, if it shall be confirmed by the appellate division, shall, after such confirmation, be published in full in such newspapers as the attorney-general may designate, for five successive days, and shall be binding and conclusive upon said corporation and upon each of its employees for a period of not less than one year, or such greater time as may be designated by said board of arbitrators in its report and decision, not greater, however, than three years.

§ 11. In the event that the appellate division hereinbefore referred to is not in session at the time such strike or lockout occurs, it shall be the duty of the attorney-general to immediately notify the presiding justice thereof of the existence of such strike, and he shall convene such appellate division without unnecessary delay for the purpose of enabling the attorney-general to make the application hereinbefore referred to.

§ 12. Any corporation which violated any provision of this act is guilty of a misdemeanor and is punishable by a fine of not more than        dollars per day during which such violation continues. It is also liable for any damage suffered by any person by reason of such violation, to be sued for and recovered by the person injured. The writ of mandamus provided by the code of civil procedure shall also issue upon the application of any person injured by such violation. Any employee who violates any provision of this act is guilty of a misdemeanor and is punishable by fine or imprisonment, or both, in the discretion of the court. In addition thereto any corporation which persists in refus-

ing to obey the provisions of the final order entered by the board of arbitration after its confirmation by the appellate division, shall forfeit all its rights, privileges and franchises, and any employee who persists in a refusal to obey any provision of such order, after its confirmation as aforesaid, shall be incapable of again entering into the employ of any public service corporation in this State.

§ 13. It shall be lawful for any employees, notwithstanding any of the provisions of this act, to leave the employ of any public service corporation at any time, provided such corporation give to such employee its written consent thereto.

§ 14. This act shall take effect September first, nineteen hundred and four.

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**Exhibit 31.**

**PROVIDING FOR GIVING OF NOTICE PRIOR TO ISSUANCE OF INJUNCTIONS IN INDUSTRIAL DISPUTES.**

Assembly Bill No. 140 (Similar to Senate Bill No. 415), introduced by Mr. Prince, January 21, 1904. Referred to the Committee on Codes.

**TO AMEND SECTION SIX HUNDRED AND THREE, OF CODE OF CIVIL PROCEDURE, RELATING TO INJUNCTIONS.**

Section 1. Section six hundred and three, code of civil procedure is hereby amended to read as follows:

§ 603. Where it appears, from the complaint, that the plaintiff demands and is entitled to a judgment against the defendant, restraining the commission or continuance of an act, the commission or continuance of which, during the pendency of the action, would produce injury to the plaintiff, an injunction order may be granted to restrain it. *When such action is brought to restrain the doing of an act or acts alleged to hinder, interfere with or disturb any employer of labor in his business by his employees actively engaged therein, discharged therefrom or having been previously employed therein and then engaged in a strike, or to restrain any act or acts by labor unions or associations so acting in concert with such person or persons so previously employed or discharged, an injunction order shall not be granted except upon such notice as the court or judge may direct.* The case provided for in this section, is described in this act, as a case where the right to an injunction depends upon the nature of the action.

§ 2. This act shall take effect September first, nineteen hundred and four.

**EXPLANATION**—Matter italicized is new; matter in brackets [ ] is old law to be omitted.

## IV.

### THE "OPEN SHOP" DISCUSSION.

[INTRODUCTORY NOTE.—While the phrase "the open shop" has only lately come into general use, the question itself is almost as old as trade unionism. The historians of British trade unionism write as follows of the attitude of organized toward unorganized workmen in England:

In the best organized industries, whether great or small, such as the boiler makers, flint glass makers, tape sizers, or stuff pressers—the very aristocracy of "old unionists"—the compulsion is so complete that it ceases to be apparent. No man not belonging to the union ever thinks of applying for a situation or would have any chance of obtaining one. It is, in fact, as impossible for a non-unionist plater or riveter to get work in a Tyneside shipyard as it is for him to take a house in Newcastle without paying the rates. This silent and unseen, but absolutely complete compulsion, is the ideal of every trade union. It is true that here and there an official of an incompletely organized trade may protest to the public, or before a royal commission, that his members have no desire that any workman should join the union except by his own free will. But, however bona fide may be these expressions by individuals, we invariably see such a union, as soon as it secures the adhesion of a majority of its trade, adopting the principle of compulsory membership, and applying it with ever greater stringency as the strength of the organization increases.

Whatever we may think of these various forms of compulsion, it is important to note that they are in no way inconsistent with the old idea of "freedom of contract"—the legal right of every individual to make such a bargain for the purchase or sale of labor as he may think most conducive to his own interest, and that they are, in fact, a necessary incident of that legal freedom.

When an employer, or every employer in a district, makes the sliding scale a condition of the engagement of any workman, the dissentient minority are "free" to refuse such terms; they may, in the alternative, break up their homes and leave the district, or learn another trade. The wage-earner can not be denied a similar freedom. When a workman chooses to make it a condition of his acceptance of employment from a given firm, that he shall not be required to associate with colleagues whom he dislikes, he is but exercising his freedom to make such stipulations in the bargaining as he thinks conducive to his own interest. The employer is "free" to refuse to engage him on these terms, and if the vast majority of the workmen are of the same mind, he is "free" to transfer his brains and his capital to another trade, or to leave the district. But to any one not obsessed by this conception of "freedom" it will be obvious that a mere legal right to refuse particular conditions of employment is no safeguard against compulsion. Where practically all the competent workmen in an industry are strongly combined, an isolated employer, not supported by his fellow-capitalists, finds it absolutely impossible to break away from the "custom of trade." \* \* \* Whenever the economic conditions of the parties concerned are unequal, legal freedom of contract merely enables the superior in strategic strength to dictate the terms. \* \* \*

If, indeed, we examine more closely the common arguments against this virtual compulsion, we shall see that the customary objection is not directed against the compulsion itself, but only against the persons by whom it is exercised, or by the particular form that it takes. The ordinary middle-class man, without economic training, is wholly unconscious of there being any coercion in an employer autocratically deciding how he will conduct "his own business." But the very notion of the workmen claiming to decide for themselves under what conditions they will spend their own working days strikes him as subversive of the social order.—Sidney and Beatrice Webb, *Industrial Democracy*, pp. 213-217.

In this country, the question has often been discussed by the judiciary in the form of the legal right of union men to strike against the employment of non-unionists, the most notable decision rendered by the New York courts having been that handed down by the Court of Appeals, April 1, 1902, in the case of National Protective Association vs. Cumming (170 N. Y. 315; see also Report of the Commissioner of Labor, 1902, pp. 38-47). In this, the leading New York decision, the right of union men to refuse to work with non-union men in order to compel the dismissal of fellow-workmen who refused to enter the union was sustained by the Court of Appeals.

The economists long ago studied the same policy as a part of the general problem of industrial liberty. This for instance was the title of Professor Ely's address as president of the American Economic Association at the annual meeting of 1901. In 1902, Professor Seligman took as the title of his presidential address "Economics and Social Progress" and pointed out that "the trade union movement, with the progress from individual to collective bargaining, seems from one point of view to lessen competition, but no one who understands the real philosophy of the movement can doubt for a moment that on the whole it makes for a truer and more perfect competition based on the equality of the contending forces."

In his presidential address of the following year Professor Seligman dealt more explicitly with the policy of the union toward the non-unionists, saying:

If there were time, it would be profitable to dwell upon this thought—that while there is indeed only too much truth in the contention that many of our unions are steering perilously close to the rocks of monopoly and extortion, the problem cannot be solved simply by emphasizing the right of the individual laborer. The right of the individual to work is indeed, as Turgot told us over a century ago, a sacred and imprescriptible right; but the conditions under which this right is to be exercised are by no means a matter of mere individual discretion and of social unconcern. We are beginning to see that the surest guarantee of liberty is the social sanction—that true and permanent freedom is at bottom an outgrowth of social forces, and that individual bargaining results in a mere empty husk of freedom. Liberty—to quote Carlyle again—is a divine thing; the liberty to die by starvation is not so divine. If this is true, then the real sacredness and imprescriptibility attach to that wise and collective action which will secure a higher and more effective liberty for the members of the group, and which it goes without saying must be so devised as not to close the door of opportunity to either the unfortunate or the peculiarly gifted. To magnify the individual at the expense of the social group is to close our eyes to the real forces that have elaborated modern liberty and modern democracy, not in the backwoods of a frontier community but in the busy marts of commerce and complex home of industry.

At the time the United States Industrial Commission was conducting its investigation of labor problems, the particular phrase "the open vs. the closed shop" was still unknown but the issue itself was warmly discussed by witnesses on both sides and the commission's conclusions were stated under the title "Comprehensiveness" in the chapter on Trade Policies in the report on Labor Organizations (vol. XVII, published in 1901).

The increasing power and strength of trade unionism and the occasional instances of arbitrary and unjust exercise of that power caused the opponents of labor organizations to search out the most advantageous point of attack. This seemed to be the union policy of excluding non-unionists from employment, which was declared to be a monopolistic policy that contravened the natural right of private citizens to earn their living in any way they chose. The issue came into prominence as soon as the period of rising prices and active demand for labor halted, which occurred in 1903. In March of that same year the Anthracite Coal Strike Commission made its report, which in its discussion of the union's demand for a joint trade agreement naturally alluded to the position of the non-union miners and thus brought the question to the front. Shortly afterward (July, 1903) the case of Miller, a bookbinder who was dismissed from the government printing office on the complaint of the union and subsequently reinstated by order of the President, gave added zest to the discussion, although it was generally recognized that the arguments for the "union" shop did not apply to government employments. The employers' associations hostile to trade unionism made a rallying cry of the "open" shop and since then the debate on the merits of trade unionism has taken the form of the "open" vs. "closed" shop. Beginning with the debate at the annual meeting of the National Civic Federation in Chicago, October 15-17, 1903, the topic has been conspicuously before the public throughout the past year. A decision rendered by an Illinois court in June, 1904, contained an *obiter* that an agreement providing for the exclusive employment of members of the contracting union is illegal; and thus led to the publication in the July issue of the Monthly Review of the National Civic Federation of a symposium on the question, "Is the Closed Shop Illegal and Criminal?" in which a large majority of the legal writers contributing, upheld the legality of contracts providing for the union shop. Finally, in December, the American Economic Association

devoted one entire session of its annual meeting to the policy of the open vs. closed shop, the trend of the discussion as noted above (page 38) being overwhelmingly against the extreme views maintained by the advocates of the "open" shop. The following is a list of the principal discussions of the subject, beginning with the Civic Federation debate in 1903.\*

## LIST OF REFERENCES.

[a For and b against the union shop; \* especially valuable or suggestive.]

- National Civic Federation, Chicago Conference, October 15-17, 1903. "The Open Shop vs. The Union Shop," discussed in formal addresses by b Thomas F. Woodlock, editor of the *Wall Street Journal*; b Henry C. Hunter, Commissioner of the New York Metal Trades Association; a Edward A. Moffett, editor of the *Bricklayer and Mason*; a John Mitchell, president of the United Mine Workers (who read the pertinent chapter of his book on Organized Labor); and informally by b William H. Pfahler, former president of the National Founders' Association, a T. K. Webster, president of the Webster Manufacturing Company, of Chicago, and others.
- New Phases of the Labor Conflict, Gunton's Magazine, January, 1904.
- a Has the Non-unionist a Right to Work How, When and Where He Pleases? by Frank K. Foster, *American Federationist*, January, 1904. (Also issued as a pamphlet.)
- b Industrial Liberty not Industrial Anarchy, by Prof. Henry Loomis Nelson, *North American Review*, April, 1904.
- a The Open Shop Means the Destruction of the Unions, by William E. Walling, *Independent*, May 12, 1904.
- \* Is the Closed Shop Illegal and Criminal? A symposium in the National Civic Federation *Monthly Review*, July, 1904. Contains a portion of the opinion of Judge Adams, of the Appellate Court, First District of Illinois, in the Kellogg case, b and opinions by b Levy Mayer, of Chicago; a Louis D. Brandeis, of Boston; a Frederick H. Cooke, author of "The Law of Trade and Labor Combinations;" a Jackson H. Ralston, of Washington; a William V. Rooker, of Indianapolis; John E. Parsons and a John Frankenheimer, of New York City; also, a reply by Prof. Seligman to the address of Mr. Parry, converting an attack upon the closed shop into an argument in its favor; and letters from English trade union leaders on the open shop question in Great Britain.
- a "The Open Shop,"\* by Clarence S. Darrow, pamphlet, 32 pages, 10c., Hamersmark Pub. Co., Chicago, 1904.
- a The Right to Labor, by Prof. John Bascom, of Williams College, in the *Quarterly Journal of Economics*, August, 1904.
- b Open Shop Supplement to American Industries, September 1, 1904. Contains argument of Daniel Davenport, Judge Adams's opinion in the Kellogg case, Mr. Walling's article in the *Independent*, cited above, "Present Crusade for the Closed Shop is War upon Society," by Charles Quarles, of Milwaukee, and other articles by attorneys.

\*Two earlier discussions, in addition to those mentioned in the preceding text, may be cited here:

American Economic Association Publications, vol. IV, No. 1, February, 1903: Papers and Proceedings of the Fifteenth Annual Meeting, pages 173-268 (Trade Union Ideals, Free Shops for Free Men, The Union and the Open Shop).

The Union vs. the Open Shop, Gunton's Magazine, August, 1903.

The Right to Work: The Story of the Non-Striking Miners, by R. S. Baker, McClure's Magazine, January, 1903.

♢ The Closed Shop, by Prof. Charles J. Bullock, of Harvard University, *Atlantic Monthly*, October, 1904.

\* The Rise of the Tailors, by Ray Stannard Baker, *McClure's Magazine*, December, 1904.

Ethics of the Open Shop, annual Bonnheim prize discussion of the University of California, December 3, 1904; prize won by W. J. Musgrove.<sup>a</sup>

American Economic Association Publications, Vol. VI, No. 1, \* Papers and proceedings of the seventeenth annual meeting in Chicago, December 28-30, 1904: *a* Causes of the Union Shop Policy, by Prof. John R. Commons; *a* The Issue between the Open and Closed Shop, by John Graham Brooks; ♢ The Necessity of an Open Shop—An Employer's View, by John D. Hibbard; *a* The Open Shop vs. Trade Unionism, by Thomas I. Kidd, Discussion by T. K. Webster,<sup>a</sup> and Profs. E. A. Ross,<sup>a</sup> H. R. Seager,<sup>a</sup> and George E. Barnett.<sup>a</sup>

#### (1) THE RIGHT TO LABOR.

[Extract from an article by Professor Jehn Bascom of Williams College, in the *Quarterly Journal of Economics*, August, 1904.]

"In social life men are aware of an evil long before they can define its causes or indicate its remedies. A correct diagnosis is the first step toward a cure. This confusion of thought overtakes us all, and especially the masses of men. In the darkness one may recognize the presence of an enemy and yet, striking at random, may be injured by his own blows. The depressed classes, confronted by difficulties too great for their strength, and finding the attitude of society toward them one of indifference and of hostility, may sullenly affirm, The world owes me a living. The neglect and oppressions they suffer seem monstrous to them, and the claim they assert to be a real and urgent one. Yet they fail to understand its import, how the existing state has arisen and where the obligation of redress attaches. The familiar phrase hints vaguely at the wrong, but may as easily become the occasion of still further wrong as provide the needed remedy. The world owes them a living, but not in the form in which they fancy.

"The laborer, acting alone, can offer no effectual resistance to the employer when he undertakes to force down wages. If he refuses to accept lower pay, he is dismissed and another laborer is called out of the crowded market to take his place. The new man may be inferior and probably is inferior to the one he displaces; that is not material. He subserves the present purpose. Wages are reduced and after a little the better workman will find his way back at the lower rates. The diligent, enterprising man does not settle wages, not even his own wages, but the class next inferior. The process is renewed as often as the employer thinks it worth while, and the laborer is kept in a dependent, timid attitude which incapacitates him to use even the power of resistance which still remains to him.

"The social and economic movement is thus as far as the workman is concerned, the exact reverse of what it should be. Inferior skill, inferior thrift, inferior productive temper rule the market. The moment the laborer attempts to force an advance the man below is called in, and the effort is made futile. To this retreat there is no limit but that of bare subsistence. The momentary equilibrium is not final. It may be again disturbed and re-established at a



lower point. This has led economists to say that there is no measure to the depression of wages; that they are constantly sinking to the line below which life is impossible. That they are not more rapidly pushed to this extreme is due to the good will and the inertia of the employer. Thus the workman, no matter what his personal quality, is without any secure footing. His prudence avails him nothing and the price of his labor is determined by the class to which he belongs, not in anxious and thoughtful action, but in stated contentment on the part of its most indifferent members.

"The results of undivided and irresponsible power in business have not been fortunate, whether we look at the restless, speculative and unsympathetic temper of management or at the disasters which it scatters in the community or at the overtopping claims and oppressive wealth which it gives rise to in the form of trusts. With workmen kept in a dependent position the transition is not far nor difficult to a neglect of all interests save those which the manager has under consideration. Special production, special franchises, a special control of the instruments of commerce, enhanced by extended combination, at length gives a monopoly of advantages which threatens the overthrow of all equality of rights in the economic world. It has been justly said that the combination of workmen is the first line of defense against the march of a tyrannical few toward a commercial conquest of the world. We may well recognize the social value of this movement of workmen to establish for themselves an economic footing and to secure a real partnership in the wealth creating process.

"An essential step in the organic growth of the community is the combination of labor. Singly the employee can make no terms with the employer. He is easily pushed from the shore, like a spent swimmer. When workmen stand together in recognition of the fact that labor is a primary constituent in all production, they have a position from which they can make a contract with capital in defense of mutual rights.

"The limit of business activity is bankruptcy; the limit of labor is bare subsistence. A minimum wage would arrest both forms of decay at an earlier stage. A minimum wage leaves the ordinary standards of life unassailed. The workmen may as well stop while life is endurable as be compelled to stop when it has become unendurable. The recovery from the one position is effected more speedily and with less loss than from the other. Overproduction has gone farther, the price of commodities has fallen lower, when the downward movement has been left to complete itself at the expense of the laborer. The rallying process becomes painful and partial. The standard of life is reduced and the workman lapses into stolidity, as one who bears burdens he can not lighten. Civilization thus becomes a crushing weight.

"The primary source of the trouble is an overcrowded labor market. Yet the weakness which is incident to numbers makes itself felt through separate action. Barbarians are easily defeated because they are not trained to act together. Let workmen take thoughtful and deliberate counsel and the labor market will take on a new appearance. It is not the mere fact of numbers that occasions the difficulty any more than it is the swarm of savages that occasions the slaughter.

"As long as we allow the disasters of our productive life to fall in one class and its gains accrue to another, we shall have extreme severity and extreme poverty begets and rebegets itself.

"In pursuing his purposes by the legitimate means of combination, a method which is the secret of civilization, the workman has made some mistakes. This was unavoidable and has been partly due to his overlack of experience and partly to the unreasonable opposition he has encountered. It is said that he has lost interest in labor and in many ways retards its speedy accomplishment.

"The labor movement has been the occasion of able, sustained and fair-minded leadership. If conference is welcome and real grievances are pointed out, the workmen will not be the last to correct them. The superiority of leadership and reasonableness in advancing claims was very manifest in the coal strike.

"The intelligent non-union laborer, directly involved in a strike, frequently recognizes this dependence of interests in employees, and makes common cause with the union. It is the soundness of the underlying principle which has sustained trade unions and carried them forward in face of the opposition of employers, of the indifference of the community and of a majority of their own class.

"In a discussion of this question with a judge of the United States court, he remarked: 'If a man is willing to work and an employer is willing to have him work, he did not see why these facts did not settle the question.' They do settle the question so far as existing law is concerned, and open the question so far as fitting relation of productive classes is concerned. The settlement assumes that workmen can make and enforce no contract; that they are subject to the will of the employer and beyond the protection of the law. The law and the administration of the law and the action of the non-union man under the law, when they oppose themselves to a fundamental right in a great class, are one and all hostile to democratic society. We can secure no organic completeness in society till every part ministers to every other part in reciprocal advantages. It is on this claim that the rights of labor rest."

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## (2) THE CLOSED SHOP.

[Extract from an article by Professor Charles J. Bullock, of Harvard University, in the *Atlantic Monthly*, October, 1904].

Since the ultimate legal rule has not yet been established, the more interest attaches to the economic aspects of the subject, for, these, obviously, must exercise considerable influence upon the final course of the law. From the economic point of view the fewest difficulties are encountered in the case of a union that is compelled to fight for the mere right to exist. When employers undertake to close their shops to members of labor organizations, a common device is to discriminate constantly against union men. If new hands are taken on, outsiders are certain to be given the preference; when the force is reduced, members of the union are selected for dismissal. Under such circumstances the organization is likely to disintegrate unless it resists the employment of nonunion men. If we grant, as we have done, that laborers have a right to organize, it is hard to criticise a union for meeting discrimination with discrimination. A refusal to work with nonunion men in a shop or factory where discrimination is practiced against the members of the union has neither the purpose nor the necessary effect of establishing a

monopoly or infringing the rights of others; the only practicable alternative would seem to be the surrender of what is conceded to be a clear legal right. It may be difficult for the courts to find a difference between such a case as this and the others that constantly arise, but that there is an economic and a moral distinction can hardly be doubted by one who believes that laborers have the right to organize. This has been recognized in the laws which some sixteen States have passed "prohibiting employers from discharging employees for belonging to or for joining labor unions, or from making it a condition of employment that they shall not be members of such unions." The constitutionality of such a statute has been denied in Missouri and upheld in Ohio, so that we here encounter another legal difficulty that it ill behooves a layman to attempt to settle. But if the right to organize exists and is deemed by the Legislature to be important enough to require legal protection, it is hard to see why these laws differ materially from the statutes found in nearly all the States prohibiting employers from interfering with the political rights and privileges of their workmen. More important, however, than the constitutionality of these enactments is the fact that in practice they can be of comparatively little protection to the laborer. Most wage contracts are terminable at any time at the pleasure of either party, and it is not easy to establish by legal proof the precise reason for the discharge of a union workman. Unless, therefore, laborers are allowed to protect themselves under the circumstances now in view, it would seem that they suffer from grievous disabilities under our present law.

But the situation is radically altered when a union undertakes, in cases where no discrimination is practiced by employers, to insist upon the exclusion of all independent workmen from an entire craft or trade. The argument in favor of such a policy has recently been stated by Mr. John Mitchell in the following words: "The union workmen who refuse to work with nonunionists do not say in so many words that the employer shall not engage nonunion workmen. The dictum of the trade union is not equivalent to an act of Congress or of a State Legislature prohibiting employers from engaging nonunion men. What the unionists in such cases do is merely to stipulate as a condition that they shall not be obliged to work with men who, as nonunionists, are obnoxious, just as they shall not be obliged to work in a dangerous or unsanitary factory, for unduly long hours, or at insufficient wages. Of course, when unions are strong and include all the best men in the industry, this condition amounts to a very real compulsion. The compulsion, however, is merely the result of the undoubted legal right of workmen to decide upon what terms they are willing to give their labor, and the employer is always theoretically and often practically in a position where he may make his choice between union and nonunion labor." It will be observed that Mr. Mitchell candidly admits that the policy may result in "a very real compulsion" both upon employers and upon nonunion men. Elsewhere he remarks: "With the rapid extension of trade unions, the tendency is toward the growth of compulsory membership in them, and the time will doubtless come when this compulsion will be as general and will be considered as little of a grievance as the compulsory attendance of children at school."

Mr. Mitchell's honest admission that the demand for a closed shop may result in "a very real compulsion" carries us at once to the heart of the objections that can be urged against it. By this policy a combination of

workmen undertakes to determine for all concerned in an entire trade the conditions under which employment must be offered and accepted. This mere statement of the case is sufficient to establish the difference between an individual's refusal to work and that of a combination. The trade union undertakes to do a thing which no sane individual could expect to accomplish by his unaided effort, and the purpose of its demand is something that changes the whole character of the act.

The first objection that may be brought against such a policy is that a trade union which attempts to exclude all outsiders from a craft or industry is seeking to establish a monopoly, and that a combination formed for such a purpose is both legally and economically indefensible. To this charge Mr. Mitchell and others have replied that the union is not a monopoly so long as it opens its doors to all persons who are desirous of entering its trade. Mr. Mitchell, indeed, frankly admits that if "a union is working not for the interest of all the men at the trade, but of the members who at that time are actually in the union, if it is unduly restrictive, prohibiting apprentices, charging exorbitant initiation fees, and excluding capable applicants for membership, then its refusal to work with nonunionists is monopolistic." Such a case is probably too clear to permit of serious dispute. The Report of the Industrial Commission makes the same qualification that Mr. Mitchell admits at this point.

It may be contended, however, that the policy of an exclusive and restrictive union in enforcing a closed shop does not differ from the regulations enforced by some of the trusts which refuse to sell their goods, or refuse to sell upon equitable terms, to merchants who buy from any possible competitor. In the factor's agreement these monopolistic tactics have been reduced to a fine art, without enlisting any apparent opposition from many of the people who declaim against the closed shop. That this comparison is well founded does not admit of a reasonable doubt. To refuse to sell sugar or tobacco to a dealer who will not agree to buy from no other source is precisely like the refusal of laborers to work for a person who will not buy all his labor from the trade union. To refuse to sell upon equitable terms may be a refinement of the process, but it alters in no way the purpose or the effect of the policy. Professor Clark is right, beyond a peradventure, when he contends that such a contract should be taken as conclusive evidence of the existence of monopolistic power and monopolistic intent. Yet the recognition of this fact does not oblige us to approve of the closed shop; it is equally logical to condemn such tactics on the part of either trade union or trust, and it is to be hoped that the final view of our courts will recognize the similarity and the obnoxious character of both of these policies.

But what shall be said of the trade union that is not exclusive in the matter of admitting all competent persons who may desire to enter its industry or craft? In order to avoid an argument about the proper definition of the word, it may be well to refrain from calling such a union as Mr. Mitchell leads a monopoly, and to describe the purpose and effect of the closed shop in other terms. The president of the United Mineworkers admits that the effect of this demand, when it is made by a strong union, is to exert "a very real compulsion" upon both employers and nonunion men; and he is too candid to deny that this is one of the purposes that the organization has in view. Leaving the employer out of the reckoning, for the purpose of our

argument, it is obvious that this compulsion affects the nonunion man in a matter wherein his freedom of action is legally and, it is probable, economically a matter of as much concern to society as the freedom of the unionist to combine for proper purposes. Unless we are prepared to relegate all the laborers in a trade to a condition of status determined by a combination or association known as a trade union, and to deny the advisability of permitting a worker to choose freely between an individual or a collective contract, we must insist that the compulsory unionization of industry is economically indefensible. Even if the union is not called a monopoly, it is evident that the demand for a union shop leads to the introduction of compulsion into a situation in which it is generally believed that freedom is beneficial.

The trade unionist, however, will usually deny that freedom to make an individual contract with an employer is advantageous to the laborer. He will contend that the time has come when freedom of individual contract results in the systematic exploitation of the workers, so that the welfare of the laboring classes and of society demands that collective bargaining shall be universally established, by persuasion if possible, by compulsion when necessary. It is argued, furthermore, that since the maintenance of tolerable conditions of employment depends upon the efforts and sacrifices of the trade unionists, it is only just that the outsiders should be compelled to contribute to the support of the organization. Sometimes, indeed, assuming the attributes of political sovereignty, the unions denounce as "traitors" the recalcitrants who refuse to be gathered into the fold. Thus it appears that the philosophy of the closed shop is based upon the belief that the welfare of the laboring classes is bound up with the device of collective bargaining, that the success of this expedient depends upon its universal application, and that no individual workman can be conceded rights that are inconsistent with the welfare of his class. This, and nothing less, is the meaning of the closed shop.

It must be evident that if the theories of the trade unionist are correct in this matter, we shall have to revolutionize our present views of economic policy and individual rights. Without, however, considering whether such a change is desirable or possible, it may be demonstrated that, even if the unionist is so far right, it does not follow that it is lawful or expedient for private combinations of laborers to undertake the compulsory organization of industry. Such compulsion is probably illegal in the present state of our law, and should proceed, in any case, from the government, and not from private associations of any character whatever.

For, in the first place, it is practically certain that a domineering and monopolistic spirit will manifest itself ultimately in any private organization that acquires such far-reaching and important powers. This is the inevitable result of human infirmities from which laborers are no more exempt than capitalists. The mere love of power, for one thing, is likely to lead to arbitrary and unwarranted acts of self-aggrandizement; while the still stronger motive of monopoly—hunger—is always present, even if for the moment it may seem to slumber. We have had with us, to be sure, in recent years, a considerable number of apologists for monopoly; but their arguments have not yet convinced many people that it is for the public interest to vest uncontrolled monopolistic powers in private hands. Without attempting to compare the possible evils of a monopoly of labor with those resulting from combinations of capital, we may safely conclude that it would be highly

dangerous to allow a permanent and all-inclusive organization of laborers to control such matters as admission to a trade, the introduction of improved machinery, and the rate of wages. As a matter of fact it is highly desirable that a trade union should always be kept upon its good behavior by the knowledge that an unreasonable or selfish policy will drive both employers and the public to seek relief by appealing to the nonunion man. Not a few sincere friends of labor organizations are now hoping that the unions may be delivered from the consequences sure to follow the general establishment of the closed shop.

In the next place, even if the fear of monopoly be ill founded, it is reasonably clear that a trade union is a most undesirable agent to employ in enforcing the compulsory organization of labor. To say nothing of other matters, such as the loss occasioned by strikes, it is certain that when the union goes forth to battle for the closed shop it can hardly avoid arousing some of the worst passions of human nature, even though its leaders studiously avoid all appeals to hatred or violence. When a body of men is told that a "scab" has no right to employment, that he is an enemy of the laboring class, and must be compelled to change his ways, the union is playing with edged tools that can not be handled with safety in the excitement of a strike. From this source arise most of the serious evils that do so much to discredit the labor movement in the minds of law-abiding men and to furnish ammunition to its enemies. If the desirability of compulsory membership is ever to be considered, the question should be decided in another forum, where the passions aroused by the strike will give place to the amenities of orderly political discussion. The plight in which several of our largest cities have recently found themselves should be sufficient proof of this contention.

This brings us to a final and most important consideration. A little reflection should convince any one that the conditions under which a man shall dispose of his labor are of such exceeding importance to society that, if freedom is to be denied, the restrictions imposed should be determined by the government and not by any other agency. Such regulations should be just, uniform and certain; they should not be subject to the possible caprice, selfishness or special exigencies of a labor organization. Here, as elsewhere, we should apply the principle that, when it is necessary to restrict the freedom of labor or capital to enter any industry, the matter becomes the subject of public concern and public regulation. If membership in a labor organization is to be a condition precedent to the right of securing employment, it will be necessary for the government to control the constitution, policy, and management of such associations so far as may be requisite for the purpose in view. Only upon these terms would the compulsory unionization of industry be conceivable. Of course, before such legislation could be enacted, a change in the organic law of the States and the nation would need to be effected, for we now have numerous constitutional guarantees of the right of property in labor. These guarantees include the right to make lawful contracts, and the individual freedom so ordained can be restricted by the Legislature only when the restraint can be justified as a proper exercise of the police power. Time and effort might be required for securing such constitutional amendments, but our instruments of government provide a lawful and reasonable method of accomplishing this result.

The object of this article has been not so much to consider the merits or demerits of the closed shop as to explain its purpose and logical consequences.

It should be tolerably evident that this demand of the trade unions would lead to a revolution in our law and our economic policy; whether the prospect of a compulsory regimentation of labor is sufficiently attractive to make such a change desirable is a question into which we shall not now enter. The socialist, of course, would welcome this or any other limitation of the rights of the individual. He who wishes to form an opinion upon the subject would do well to study the history of the mediæval guilds, and to examine particularly the influence of these institutions upon individual opportunity and economic progress. This might not enable one to reach definitive conclusions concerning the proposal to organize modern labor upon the mediæval basis, but it would at least furnish a point of departure.\* It would be worth while, also, to inquire to what extent the guilds were able, even with the sanction of the law, to maintain their monopoly of industrial opportunity, and what methods were employed in dealing with interlopers. Finally, it would be necessary to consider whether modern conditions require mobility or fixity of economic relationships, and whether compulsory organization of labor would meet the demands of the present age. After these things had been determined it would be time enough to speculate about matters concerning which we can not learn much from present or past experience. Meanwhile, no matter what the ultimate conclusion may have to be, something will be gained if we realize the far-reaching consequences of a decision to pronounce a sentence of economic outlawry upon the nonunion man.

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### (3) ETHICS OF THE OPEN SHOP.

[Essay by W. J. Musgrove, which by unanimous vote of the judges received the Bonnheim Prize in the prize discussion held December 3, 1904, at the University of California.]

Notwithstanding the very general attention which the question before us is receiving, different points of view have led to widely divergent conclusions. Accordingly, if our discussion is to be at all satisfactory, it will be necessary for us to take our start from principles upon which we shall all agree, and in the light of which the question at issue can be judged.

Such a universally accepted principle is found in Kant's statement of the moral law: "So act as to treat humanity, whether in thyself or in others, as an end, and never as a means."

This statement contains the two fundamental ethical principles, first, that of individual self-realization, or the absolute right of the individual to attain to his rational end, his perfect development; and secondly, the social nature of this end and the necessity for interpreting individual rights in terms of social welfare. These principles we need not dwell upon longer than to recognize them as the authority for two conclusions which will serve as criteria for our judgments this evening.

These conclusions are, first, that every individual has an equal right with other individuals to the opportunity to attain his end, and any state of affairs in which one class of individuals is so dependent upon another that the second regulates this opportunity for the first, or decides questions affecting the first, simply from the standpoint of its own interests, is fundamentally wrong; secondly, that the recognition of the sacredness of others is an essential part of the individual's end. His freedom to choose his own method of attaining his end is a right only so long as his method does not conflict with the welfare

of society as a whole, and hence that state of affairs is likewise wrong in which the individual exercises his personal freedom to the detriment of society as a whole.

Now, in practical experience we find the former of these states existing in the industrial world. Labor is the contribution which society requires of every man before he can be considered a valid member; but, since labor is required of every man, every man must be given a fair opportunity to labor upon reasonable terms. Yet, from the time when the laborer himself was owned, there has persisted the view which sees labor merely as one of the materials of production, to be used or dispensed with by the employers as their interests demand. It is they that have regulated the opportunity and that have in addition fixed the terms and conditions; and society in practice has recognized no moral obligation upon their part to consider the welfare of their employees in determining the conditions. Employees strike, and society justifies the employers who refuse to accede to their demands, not because the old terms have been shown to be just or necessary, but because other labor can, by some means, be secured upon them.

Under these conditions the laborers have been helpless. The impossibility of their accumulating any considerable capital has kept them dependent upon the employers; and the ever-plentiful supply of labor and the rapid concentration of the employing power into large industries has made the individual laborer of so little importance that the employers have always been able to say: "Take our terms, or make way for others who will!" The laborers have been unable, either to have their opportunity to labor secured, or to occupy their rightful place in the fixing of terms and conditions.

From this state, which we have seen to be fundamentally wrong, the only available means of escape has proven to be the method of collective bargaining, by which the laborers appear before the employers as an organized body whose strength compels their recognition. Thus they meet on an equality; questions at issue are not decided by one of the interested parties, but are either decided by both, or are referred to some disinterested party; mutual obligations are assumed, and the laborers emerge from their state of pure dependence upon the goodwill or caprice of the employers. For this collective bargain the trade-union is the necessary instrument.

In the words of Sidney and Beatrice Webb, at present the most authoritative students of the problem: "The trade union alone can furnish the machinery for any but the most casual and limited application of the collective bargain. Without a trade union it would be almost impossible to get a common rule extending over a whole district, and hopeless to attempt a national agreement. Moreover, it is the trade union alone which can supply the machinery for the automatic interpretation and peaceful revision of the general agreement." Upon this basis, then, the true trade union stands. As the representative of the principle of collective bargaining, it appears, in the present stage of industrial development, as the necessary means for escaping a false and unjustifiable condition and approaching the ideal of social equality.

Such are the principles and such the facts in the light of which the "Open Shop" must be judged. For purposes of discussion it will be necessary to treat the question as it appears in three views. The first is that which takes the "Open Shop" to stand for the issues at stake in a campaign at present being waged; the second, that which takes the "Open Shop" in the accurate sense and judges it to be necessary as a universal settled principle; and the third,



that which views the "Open Shop" in the light of particular conditions, and upholds it under some and opposes it under others.

The first view is represented by the Citizens' Alliance and some employers' associations whose fear of the unions has of late crystallized into a very definite campaign. Their position, represented by their war cry, "The Open Shop," is, in brief, this: They do not deny the right of laborers to organize, but they do oppose every existing organization, and refuse to deal with a union under any circumstance, insisting that they will deal with laborers as individuals, or that they will deal with their own employees only, and holding that a union has no right to interfere. It is not my purpose to question the sincerity of these men in this belief, but it is necessary here to point out that this fight, being a fight against unions and collective bargaining, and for individual bargaining, is a fight for the perpetuation of a condition which we have seen to be vitally wrong.

Many believers in organized labor, however, hold the second view, taking the "Open Shop" in the accurate sense. This must be defined. Strictly, the union shop means that union men will refuse to work with nonunionists. If the union is strong this will naturally result in the unionization of all the workers in the trade; in other words, a man will be obliged to become a member of the union in order to be employed. In opposition to this, the holders of our second view, although they realize the necessity for the recognition of the union, believe that an employer should not agree with a union to choose all his labor from among its members, but should employ nonunionists also. This, they maintain, must be held as a universal settled principle in order that the individual may not be deprived of his freedom to work upon whatever terms he pleases. Other arguments are urged in favor of an "Open Shop," and these will appear under the third view; but as a universal settled principle the "Open Shop" rests finally upon this principle of individual freedom, expressed typically by the Anthracite Strike Commission, as follows:

"Our language is the language of a free people, and it fails to furnish any form of speech by which the right of an individual to work when he pleases, for whom he pleases, and upon what terms he pleases, can successfully be denied."

In discussing this we must return to our first principles. We have here men of two classes who have chosen different methods—the one organization, the other individualism—for the attainment of their rightful ends. In the nature of things one or the other must give way, and according to the principle of the social nature of the individual right, that one must prevail that will result in the truer and more universal freedom. Our task is to determine which this is.

We know that the union shop will result in the maintenance of the principle of collective bargaining, which we have seen to be necessary. Will the "Open Shop" be able to maintain this, and in addition the individualistic freedom for those who wish it? If it will we must uphold it. If not, we shall have the second of our two false states, viz., the individual exercising his personal freedom to the detriment of society as a whole, and the view will have failed of justification. Its results must, therefore, be discovered.

There is and must always be a large class of men (appearing in extreme form as anarchists, and in milder forms in all classes of society), who, either through principle or through inclination, prefer individualism to the restraint

of social organization. By nature these men are nonunionists. Under the "Open Shop" they share whatever benefits organized labor gains, and in case of a strike seem to gain even more, since, whether the strike succeeds or not, they can come out ahead by the amount which they earn while it is on. Naturally, then, these men will decline to assume an extra burden and added restraint, the benefit of which their principles or their inclinations will prevent them from seeing, and in the absence of any evidence which appeals to them they will remain permanently nonunionists.

Now, the degree of justice attained in any contract between two parties depends on the degree of equality existing between them. The knowledge that each is indispensable to the other compels each to consider, seriously and fairly, the other's side. The knowledge, however, that one can do without the other inevitably puts that one in a position to dictate and to use the other simply as a means. We have seen that the laborers are naturally weaker than the employers, so that any body of laborers can meet with the employers on an equality only when it is the sole body at their disposal. Hence the existence of a large class of men who do not join with organized labor will make it impossible for organized labor to compel, when other means fail, a fair consideration of its demands and a just decision regarding them. If employers as a class were so just as not to take advantage of this situation there would be no objection to it; but were this the case our question this evening would never have arisen. The "Open Shop" is a vital question because employers are men and, like other men, do take advantage of superiority to use others as means, and we are forced to admit that if the "Open Shop" makes injustice possible, the large majority of employers will make it actual. Accordingly, since this view will maintain the individualistic freedom at the expense of the truer and more universal freedom in the collective bargain, we must conclude that as a universal settled principle also, the "Open Shop" has failed to justify itself.

There remains yet the third view, necessitated by the fact that many labor organizations have failed to recognize what their true functions are. Ray Stannard Baker has related in *McClure's Magazine* the story of the unsuccessful attempt of a thoroughly competent mechanic to gain admission into the union in his trade. Fortunately such unions are in the minority, and they meet with the hearty disapproval of the leaders who are shaping the policy of organized labor; but they do exist. Recognizing that in their case a union shop would mean, not a greater equality of opportunity for all, but an intensification of inequality, we must conclude that so long as such a policy of exclusion prevails in a union an "Open Shop" must prevail.

Moreover, there are undoubtedly unions which make unreasonable demands, and unions which use unlawful means to attain their ends. Such methods we can not defend. When a union takes a course of action which results in the laborer's having to join a union in order to be employed, it is exercising the form of compulsion which is the basis of all our transactions in the industrial world, and which is justified whenever the action taken is for the welfare of society. When, however, a union, by threats or violence, or other such forms of personal coercion, attempts to force a man to cease work or to join the union, or when as a union it encourages the destruction of property, it is using as a means a form of compulsion which no end can justify. Although with regard to this and similar problems of unionism, which time

does not permit us to discuss, it is well to remember, in the words of the Anthracite Strike Commission, that "experience shows that the more full the recognition accorded to a union the more businesslike and responsible it becomes;" yet with these unions also it seems that recognition must stop short of a union shop until they either become sober and reliable or dissolve to make way for new organizations which will profit by the lessons of their predecessors.

In conclusion, when a labor organization is failing to perform its true function as a trade union, either by working in the interests of a limited number only, or by making unreasonable demands or employing unlawful means to attain its end, the "Open Shop" will have to prevail. When, however, a union is open to all the workers in a trade and is willing to assent to a fair and reasonable bargain, insistence upon the "Open Shop" will not be justified. In either case the judge is a justice-loving public.

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#### (4) CAUSES OF THE UNION-SHOP POLICY.

Paper read by Professor John R. Commons of the University of Wisconsin, at the annual meeting of the American Economic Association, Chicago, December, 1904.]

The open shop controversy, in its extreme form, is peculiar to America. The British labor delegates, two years ago, were surprised to see the bitterness of the American unionist toward the "scab." This feeling has its roots in conditions and history peculiar to this country. For three generations the American workingman has been taught that the nation was deeply concerned in maintaining for him a high standard of living. Free traders objected that manufacturers would not pay higher wages, even if protected. Horace Greeley, who, as much as any other man, commended the "American System" to wage earners, admitted the force of the objection, but he held that socialism, or, as he called it, "association," would share the benefits of the tariff with them. But this must come through the workmen themselves. Some of them tried it. The communistic experiments failed. They tried co-operation, education, politics. Neither did these seem to reach the high aims of protection. Meanwhile they were discovering the power of the strike. By this kind of association those who could hold together found themselves actually sharing the benefits of protection which Greeley mistakenly predicted for his fantastic kind of association.

But the gains from strikes were temporary. The federal laws which protected manufacturers against the product of foreign labor, permitted them to import the foreigners themselves. In many cases strikes were defeated by the immigrants, and in many more cases the immigrants went into the shops to share the gains won by the strikers, or gradually to displace them with their lower standard of living. With a unanimity never before shown the unions entered the political field and got the Chinese exclusion acts and alien contract labor laws. These theoretically rounded out the tariff system, and they somewhat lessened the pressure on the skilled trades. But the amount of immigration itself was not lessened. Rather have the laws been evaded and the influx has swollen greater than before, while the sources have shifted to still lower standards of life. By a minute division of labor and nearly automatic machinery unknown in any other country, the skilled trades were split into simple operations and places created for the unskilled immigrants.

The strike thus seemed likely to lose permanent results. The unions were unable in politics further to check immigration. Endorsing the tariff on products as a necessary first step they were left to enact their own tariff on labor. The sympathies of the American public were with them, but these sympathies, lacking the historical sense, have recently somewhat declined, when it is found that the union theory is that of protection and not that of free trade. The British unions are protected by long periods of apprenticeship. The non-unionist is only another Englishman who can be talked to, and whose class feelings are strong and identical with those of the unionist. The employers are not protected by a tariff, neither have they imported foreign workmen. Division of labor is not minute, and the skilled workman is not directly menaced by the unskilled. But the American unions have very little industrial or radical protection. Apprenticeship is gone, except as enforced by them against the protests of employers. In order to enforce this and other measures needed to keep wages above the market rate, the unions found themselves compelled to enforce the rule that no one should enter the shop except through the union. Without this rule their efforts were nullified.

It naturally is objected that, in comparing the closed shop with the tariff, a corollary cannot be drawn from the law enacted by government to the rules imposed by a union. The presumption is in favor of free trade, and only the sovereign power has the right to interfere, and that in the general interest. Where private associations restrict competition the act becomes conspiracy. But here the unions found that public sympathy and judicial decision have made an exception in their favor. While a combination to put up prices is illegal, a combination to put up wages was gradually relieved of legal penalty. It was felt that the laborer was the weaker party to the bargain; that the same public policy which would keep down prices to the level of domestic competition, would encourage the laborer to keep wages above the level of immigrant competition. Capital could take care of itself, and the capitalist who failed in competition would only drop into the ranks of wage earners, but the laborer who failed had no place lower to drop. Consequently, while, on the one hand, the doctrine of protection to manufacturers was gaining hold, on the other hand its corollary, the exemption of labor from the conspiracy laws, was being established.

Some decisions went even further. Granting that it is no criminal conspiracy to quit work in a body in order to benefit their own members, it is not easy to draw the line at quitting work in a body to secure the discharge of a foreman or a non-unionist whose acts are injurious to the members. Though the decisions here are conflicting, yet there were early decisions sustaining this right, and so essential is it to their existence and so persistently have the unions asserted it, that, amidst conflicting decisions, many of them have established the union shop. Here the logic of politics has been with them, and the politicians have been more consistent than the manufacturers, for the high wages to which protection campaigners point, are usually wages kept high by a closed-shop policy. Even the wages in unprotected industries like the building trades, which depend mainly on the closed shop, are offered as evidence of protection's benefits, while in the protected industries it is the closed shop wages to tin-plate workers, molders, blacksmiths, etc., and not the open shop wage of woolen and cotton textiles to which attention is directed.\*

\*See Republican Campaign Text Book, 1904, pp. 86, 91, 223, etc.

A curious flank movement has taken place in the use of the term "closed" and "open" shop. As the unions originally employed the terms, a closed shop was one which was boycotted or on strike, and in which consequently the unions forbade its members to work. An open shop was one where union men were permitted by the union to get employment if they could. To declare a shop open was equivalent to calling off a strike and boycott. The terms as now defined are different. The closed shop, instead of being non-union, is the union shop. And the open shop is declared open by the employer to admit non-unionists, and not by the union to unionists.

Yet even from this general standpoint, the terms are not clearly distinguished. Many employers have what they call open shops, and yet they employ only union men. The union would say that these are union shops, whereas the public generally would call them closed.

The confusion arises from different points of view. The employer has in mind the contract or trade agreement with the union. He looks at it from the legal or contractual side. The union has in mind the actual situation in the shop. They look at it from the side of practical results. The agreement made in the stove industry, in bituminous coal mining, in three-fourths of the team-driving agreements, in railway machine shops, and many others, are plainly open-shop agreements, where it is often even stipulated that the employer has the right to employ and discharge whomsoever he sees fit, only reserving that he shall not discriminate on account of union membership or union activity. Many agreements are silent on the question of employment and discharge, and in such cases the presumption is in favor of the employer's freedom in selecting his men.

It is evident that with these different points of view it is difficult to reach an understanding. Clearness would be promoted by adopting a use of terms which would bring out the above distinctions as they are found in practice. In doing so the closed shop would be viewed from the side of the contract, and would be designated as one which is closed against the non-unionist by a formal agreement with the union; the open shop as one, where, as far as the agreement is concerned, the employer is free to hire union or non-union men; the union shop as one where, irrespective of the agreement, the employer, as a matter of fact, has only union men. Thus an open shop, according to agreement, might in practice be a union shop, a mixed shop, or even a non-union shop. The closed shop would, of course, be a union shop, but the union shop might be either closed or open.

The contention of some union defenders that the term "closed shop" is a misnomer, I do not agree with, if its use is limited as here proposed. They say it is not closed, because any competent man can get into it by joining the union. What they really mean is that the union is an open union, but this is another question, and an important one. Much can be said for a closed shop if the union is open, but a closed shop with a closed union cannot be defended. The use of terms above proposed makes it possible to draw these essential distinctions and to discuss each separate question of fact by itself and on its merits.

The historical steps were somewhat as follows: First, the union got the union shop by quitting work, or threatening to quit, in a body. Next they got the closed shop by a contract with the employer. If the employer would not make a closed-shop agreement, they either retained their original right to quit if he hired a non-unionist, or their open-shop agreement provided for

negotiations whenever a non-unionist became obnoxious. In this way the open-shop agreement might mean, in individual cases, the union shop in practice.

Now the significant fact respecting the agreements just mentioned in the coal, stove foundry, railway shops and other industries, is that, while they are open-shop agreements, they are, on the whole, satisfactory to unions which in other branches of their work are most uncompromising for the closed shop. In all cases their satisfaction is based on three or four considerations. In the first place, the agreement is made, not with each shop, but with an association of employers, including the strongest competitors in the industry. It is to the interest of such an association to require all of its members faithfully to observe the agreement, because it places them all on the same competitive level as far as wages are concerned. The employer who would violate the agreement would get an advantage over the others in the largest item of his expenses. This the others, in self-interest, cannot permit, and consequently as long as he is a member of the employers' association, the union is relieved of the burden of enforcing an agreement, and the employers themselves, as a body, assume the responsibility of doing what the union could do only by means of the closed shop or the strike. If the employer persists in violating the agreement, after his association has exhausted its powers of discipline, he is expelled, and then, being no longer protected by his fellow employers, he is left to the tactics of the union.

In the second place, the agreement is made, not only for members of the union, but for all positions of the same grade, whether filled by union or by non-union men. No employer, therefore, can get an advantage, in lower wages or longer hours, by hiring a non-unionist. No amount of protest or solemnity of promise, and, especially no appeal to the Declaration of Independence from those protected by a tariff that violates the Declaration, can persuade the unions that the employer wants the open shop except to get his labor below the union rate. Some employers and some associations of employers, as in the machinery line and in iron and steel, have been frank enough to admit this, when they insist that their agreement with the union covers only union men, and that they are free to make a lower scale of wages for non-union men. But, as a rule, an agreement cannot stand for long on such an understanding, and very soon it goes to pieces in a strike for the closed shop or the dissolution of the union. There have been isolated exceptions where the union is strong, and thinks that the non-unionist, in order to get the higher rate of pay, will join the union. But, in general, only when the agreement covers the non-unionist as well as the unionist, and when the employers show that they have the power and the will to enforce it, can the union consent to the open shop. Even this takes time, for power and good will are shown only through experience, and the workmen have undergone many bitter experiences of dishonesty, and many more experiences of inability, through the pressure of competition or changes in management, to live up to agreements honestly made. The stove founders, the soft coal operators, and others, after several years of associated action, seem to have won confidence in their ability and honesty of purpose in enforcing their open-shop agreements, and for this reason, the unions, though not entirely satisfied, are not driven by their more radical members to demand the closed shop.

In the third place, that clause of the agreement which provides for the so-called arbitration of grievances covers all matters of discrimination as well as

all matters of wages, hours and rules of work. By discrimination is meant all questions of hiring, discharging and disciplining both union and non-union men. In this respect it seems to me a mistake was made by the Anthracite Coal Strike Commission in its award as interpreted by the umpire, Colonel Wright. The Commission had awarded that no person should be discriminated against on account of membership or non-membership in any labor organization, and had provided a board of conciliation and an umpire to decide any disagreement that should not be settled by the parties concerned. Under this clause the umpire stated the principle involved as follows: "A man has the right to quit the services of his employer whenever he sees fit, with or without giving a cause . . . . . and the employer has a perfect right to employ and discharge men in accordance with the condition of his industry; he is not obliged to give a cause for his discharge. . . . ."

The mistake in applying this principle of reciprocal rights lies in the fact that the union, under the agreement, had given up its right to strike. Having done so, it gives up its right to protect a member against discrimination or unjust discharge. In lieu of settling such a grievance by a strike the agreement sets up a tribunal to investigate and decide according to the facts. Of course, individuals retain their rights to quit, and the employer retains his right to discharge, yet since the union has abandoned its right to strike, in view of the tribunal, the employer must be held to have abandoned his right to discharge a union man whenever the union alleges a grievance and appeals to the board. The employer always claims that discrimination was not intended, but this is a question of fact to be determined by the tribunal. Otherwise the most vital injury, one that concerns the very life of the union, is taken out of the hands of the board of conciliation and falls back upon the original remedy of the union—the strike. This is well understood in all trade agreements except the peculiar one in the anthracite coal industry. Every grievance or alleged grievance in the hiring or discharging of union or non-union men is taken up by the officers of the two associations and settled on its merits, under the terms of the agreement. Under no other condition could the union be assured against discrimination or unjust discharge; which is but another way of saying, under no other condition could it trust itself to an open-shop agreement. With this protection, the case of each non-union man can be taken up in conference by the officers of the two associations, and he can be disciplined the same as a union man for any acts injurious to the members of the union or menacing to the agreement.

These three conditions, I think, have been found essential in most open-shop agreements that have lasted for any length of time; namely, a strong and well disposed association on each side; the same scale of work and wages for unionist and non-unionist; and the reference of all unsettled complaints against either unionists or non-unionist to a joint conference of the officers of the union and the association.

In describing these conditions I have indicated, conversely, certain conditions under which the union is forced in self-protection to stand for the closed shop. Such cases are those where there is no employers' association, or where the employers' association cannot control all of its members or all of the industry, or where the association is hostile or has a menacing, hostile element within; as for example, when it does not insist that its non-union or open-shop members shall pay the union scale. In these cases the maintenance of the scale and the life of the union depend on maintaining the union shop.

Whether it shall be a closed shop or not, i. e., whether it shall be unionized by a contract in which the employer binds himself to employ only union men, and becomes, as it were, a union organizer, or whether, as far as the trade agreement is concerned, it shall be an open shop, depends on circumstances, and the same union will be found practicing both methods, according to the locality or shop.

The closed shop contract has recently been attacked in the courts, and in some cases overthrown, on the ground of illegality. Without branching into that side of the question, it should be noted in passing that such a contract usually carries a consideration. If the union has a label protected by law, this is a valuable consideration which the employer cannot be expected to enjoy unless he agrees to employ only union men, and consequently all label agreements of the garment workers, brewery workers, boot and shoe workers, and others, are closed-shop agreements. However, the main consideration to the employer is the enlistment of a responsible national authority on the part of the union to compel the local union or shop to fulfill its side of the agreement. The local union is moved by personal feelings, but the national officers have wider responsibilities and a more permanent interest in living close to the letter and the spirit of the agreements. This is the consideration distinctly stated in the agreements of the Typographical Union with the Newspaper Publishers' Association, several of whose members have non-union or open shops, it being agreed that the National Union will underwrite every closed-shop agreement made by a publisher with a local union. The same consideration is found in the longshoremen's agreements, in all label agreements, and though not always expressly stipulated, it is understood to exist, more or less, in all agreements, whether actually underwritten by the national officers or not. If the employer wishes the national union to be responsible for its local members he logically will agree to employ only members of the union. The open shop, by the very terms of the contract, leaves it to the employer to enforce the agreement by hiring non-union men, but the closed shop makes the national union responsible by requiring it to discipline the local union or even to furnish other union men. It is this consideration, more than anything else, that has led the stove founders and other employers' associations, under open shop agreements, to watch without protest the gradual unionizing of nine-tenths of their shops.

There is no doubt that the object which all unions aim to reach is the complete unionizing of the trade. In support of this there are two kinds of arguments, one of which I should call sentimental, the other economic or essential. Certain of the economic arguments I have just indicated. But there are some places where these do not apply; and a union which relies solely on a sentimental argument cannot win the support of the public, which eventually makes the laws and guides the decisions. This sentimental argument holds that he who is benefited should bear his share of the expenses of the benefactor. The union which raises wages and shortens hours should be supported by all whose wages and hours are bettered, and the non-unionist, because he refuses support, should be shut out from employment.

An argument like this, if not backed by an evident necessity, falls under attack. Such is the case in government and municipal employment. The government fixes a scale of wages. In the United States this scale is considerably above the scale in similar private employment. Trade unions have doubtless taken the lead in establishing these favorable conditions, but they



really depend, not on the unions, but on politics. They are the natural outcome of universal suffrage, and are not found to the same extent in countries or localities where the labor vote is weak or labor is newly enfranchised. Formerly the political party filled such positions with its partisans. The situation is no worse when the union fills them with its members. But competitive civil service, or civil service reform, is an advance on both partisanship and unionism. Government pays the scale to all alike. There is no competition of outsiders to force it down. The State can be a model employer because its products do not compete on the market. The non-unionist or the aggressive employer is not a menace to the wages of government employees. If the government should let out its work to the lowest bidder the union then could maintain a scale only by the union shop. But when the government hires its own workmen the union shop is not needed. A strike would be absurd, and the appeal for fair wages must be made to the people at large, through their representatives. The appeal is ethical and political, and not to the judgment of a strike, and such an appeal is stronger when free from the onus of an exclusive privilege.

This is not saying that government employees should not be organized. In fact the highest form of civil service in a nation committed to representative democracy is that where the public employees are organized in a union, so that all grievances can be taken up by their agents and "arbitrated" with the head of the department. This was demonstrated by Colonel Waring in the Street Cleaning Department of New York, and he showed that only by requiring his employees to join in a union could partisan politics be wholly shut out and the highest efficiency secured. But this sort of unionizing depends on a favorable administration and an enlightened public opinion, and not on the strike or the closed shop.

There is a class of private employment similar to that of government employment in the conditions which make the closed shop unnecessary. This is railway transportation. A railway company establishes a scale of wages for its higher classes of employees. This scale is uniform over its system, is paid to all alike, and is not nibbled down by dickers with individuals. When the railway brotherhoods accept such a scale, they know that it will be paid to non-unionist as well as unionist. Therefore they do not even ask that it be put in the form of an agreement, but are content that it simply be issued as a general order from the manager. They probably would take a different view if the company let out the hiring of employees to the lowest bidder among competing contractors, or even if they themselves tried to maintain a scale for section hands who are not protected by a long line of promotion. They certainly would refuse to work with a non-member to whom the company insisted on paying lower wages than the scale. The closed-shop policy on the railroads could be supported only by the sentimental argument, and the railway brotherhoods have recognized its futility when not backed by the economic argument. It is most significant that the agreements of the machinists' union for railway shops are likewise open-shop agreements, similar to the brotherhood agreements, issued as a scale of wages by general order for the entire system and making no mention of the union. This is also true of the machinists in government navy yards and arsenals, where the union has won several advantages for members and non-members alike. This is the union which, in general manufacturing, outside railway and government work, has been most bitterly assailed for its closed-shop principles, but it is evident,

from the contrast, that these principles have been forced upon the union by the different character of the industry and the different attitude of employers.

The situation is different with street railways. Some of these companies are conducted on a large scale like interstate roads, and the unions are safe with an open-shop agreement. Others are conducted like shops, and the street railway union seeks closed agreements, and has been known in a few cases to go on strike against non-union men. This union is entirely different from the brotherhoods in that it admits to membership every employee of the company, including even the car cleaners, excepting only those who already belong to an old line trade union. Its motormen and conductors are not protected by a long period of apprenticeship or slow line of promotion, like the locomotive engineers and railway conductors, and consequently their places can be filled by men fresh from the farm or from any other occupation or profession. In fact the union contains ex-lawyers, ex-ministers, college graduates, and a variety of ex-talent that is unique. To them, therefore, the closed shop is often essential, and to the companies also it is an advantage, for the international union then guarantees the local contract.

The sentimental argument, of which I spoke as applied to government work, sometimes becomes more than sentimental when applied to private employment, even where the non-unionist gets the same pay as the unionist. There are always selfish and shortsighted members in a union. If they see a non-unionist enjoying the same privileges with themselves without the expense of union dues, and especially if the foreman shows a preference for the non-unionist, they too demand exemption from union burdens. Thus the union disintegrates, and a cut in wages or stretch in hours cannot be warded off. Experience is a hard teacher and has taught this lesson thoroughly. It is not a mistake that the persistent non-unionist in private employment should be looked upon generally as a menace.

Another fact regarding this sentiment is often overlooked. Being compelled to work together and help one another in the same shop, men's feelings toward each other are personal and intense. The employer in his office need never see the competitor whom he is trying to crush, and only their products meet on the market. He scarcely can understand that his workmen in the shop are also competitors, but, in addition, are under enforced personal contact, and their sentiments cannot be kept down. What to him is business seems malice in them. Yet these feelings are really a factor in his cost of production, as much as the coal under the boiler or the oil on the bearings. It is not surprising that the open shop, even from the employers' standpoint, is not permanently practicable, and tends to become either union or non-union.

It would be possible to run down the entire list of unions, and to show in each case the industrial circumstances which make the union or closed shop necessary or unnecessary from the standpoint of maintaining wages. Wherever there is a large number of small contractors, as in the building trades or the clothing industry, an open-shop union can not survive. The building trades in London, though less effective on wages than American unions, are nevertheless safe with their open-shop agreements, because, in addition to the fact that the unions are not compelled to protect the common labor working with them, the master builder does not sublet his work, but has his own large establishment and permanent force, and hires all the trades directly. He takes up all grievances when they arise, including the grievance of the non-unionist.

But in the United States the master builder has usually only an office force. He sublets all but the mason work to ten or thirty different contractors. These contractors often require little or no capital, and a mechanic to-day may be a contractor to-morrow. A non-union contractor, with his lower wages and imported labor, would soon drive the union contractor out of business. The building trades are therefore compelled to put their closed-shop policy foremost, and where they have been defeated in this policy, as in Chicago in 1900, they have soon regained all they lost of the union shop, even though working under explicit open-shop agreements.

In the clothing trades, the sweat-shop is simply the open shop; for the sweat-shop is the small contractor with fresh immigrants, long hours and minute division of labor, crowding into the market and underselling the shops where wages, hours and conditions are better. Such would unquestionably have been the outcome in the building trades had the unions not been able to enforce the closed shop. No amount of good will on the part of clothing manufacturers or master builders could stand against a market menaced with the product of open shops. It was through the open shop that the American-born tailor was displaced by the Irish and German tailor; that the Irish and German were displaced by the Jew and by Polish women; and that the Jew is now being displaced by the Italian. In the building trades the Irish, German and American have stopped this displacement by means of the closed shop. The Jew is vainly trying to stop it, and the Scandinavian in Chicago until recently had stopped it in one branch of the clothing trade. Each displacement has substituted a race with a lower standard of living. As soon as a race begins to be Americanized and to demand a higher standard, another still lower standard comes in through the open shop. This is the history of many American industries. Whether the conditions in the clothing trade are preferable, for the American nation, to conditions in the building trades, is a question open for differences of opinion. The difference, however, is not apparent among the workmen in those trades. The immigrant, the manufacturer, the consumer, may hold a different view, but if so, it should be understood that the question in dispute is that of the wages of those workmen. As things are, the union shop or closed shop is the wage earners' necessary means to that end.

It is sometimes asserted that American unions, like the British unions, should place more reliance on reserve funds, benefit and insurance features, and that, with these attractions they would not have been compelled to put forward so strongly the closed shop policy. The British workman joins the union at the close of his long period of apprenticeship, and his motive is not the coercion of the closed shop, but rather insurance against sickness, death, loss of tools and out-of-work. His union is like the American railway brotherhoods which also rely on insurance and previous promotion. But the American unions do not have this period of apprenticeship to work upon, except as they have established it by the union shop. They are confronted by foreigners in language, modes of thought and standards of living, pressed on by necessities in a strange country, and eligible without previous training on account of minute division of labor. Should American unions wait slowly to build up their organization on the open-shop and insurance-benefit policies, they would be displaced by foreigners before they could get a start. The foreigners again would have to set up the union shop as soon as they in turn began to demand better conditions and were confronted by a new race of immigrants. This

is exactly what they have done, and the union or closed shop in America is necessary to support those very insurance and benefit features which are proposed as a substitute for it.

That there are many serious problems springing from labor unions is evident, but they would properly be discussed under other headings. The present discussion is not merely of their good or bad methods—it is of their existence and their power to raise wages. Under a different order of industry or a socialistic policy of government, unions might be superfluous. Their existence and their methods arise from the nature of the industry and the attitude of employers. A method necessary in the building trades or coal mines may be superfluous on the railroads. Their methods also arise from the universal human struggle for power. No institution or individual can be trusted with absolute power. Constitutional government is a device of checks and balances. Employers' Associations are just as necessary to restrain labor unions, and labor unions to restrain Employers' Associations, as two houses of Congress, a Supreme Court, a President and political parties, to restrain social classes. Progress does not come when one association destroys the other, but when one association destroys the excesses of the other. This kind of progress is going on in the several industries mentioned above. There the open-shop question has never been even considered or mentioned, or else in course of time it has become only an academic question, because the Employers' Association takes up and remedies every real grievance or disproves every fictitious grievance that provoked the union into existence, and does not permit any of its members to "smash" or undermine the union. The bad methods of the union are gradually reduced by discussion backed by the power of organization, and its good methods are encouraged. Education improves both parties; mutual respect succeeds suspicion. In those industries it is accepted that protection to capital carries with it protection to labor; that fair profits imply fair wages; that well-disposed associations on each side shall together discipline the non-unionist the same as the unionist; that the employers, having lost despotic control of their labor, regain a nobler control through coöperation with the union; that the opposition to non-unionist is not based on sentiment or malice, but on economic necessity; and that a question, which only stirs up class hatred in the field of pronunciamientos and abstract rights, works out a peaceable solution when men acknowledge mutual rights.

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#### (5) THE PRESBYTERIAN CHURCH AND THE LABOR QUESTION.

BY REV. CHARLES STEELE, CHAIRMAN OF THE INDUSTRIAL DEPARTMENT OF THE BOARD OF HOME MISSIONS.

A clearing house for everything that has to do with the labor question as it affects the church and the moral or religious life of the manual toiler—this, in a word, is the object of the newly established department of the Presbyterian Board of Home Missions in the interest of workingmen.

The student of social problems will at once see that this means more than an aggressive evangelistic campaign, although that is included in the plan. It will also be understood that the mission of this department is not only to the laboring man, but also to his employer who is in the church.

The labor question is fundamentally a moral or a religious problem. It will never be settled through strikes or lockouts. The spirit and methods of

Parry and Parks will never bring about industrial peace. The labor question will be solved only as the principles of Jesus Christ are lived out by the employer and the employee.

And yet, in a sense, the labor question will not be solved until the last day's work is done, because the social systems which may be satisfactory to us, will not be acceptable to the generations following.

#### CHRIST'S ATTITUDE.

It will be of interest to note that while social conditions during Christ's time were infinitely worse than they are today, He never advocated a social system. He tried to change men rather than methods. He enunciated principles which would be applicable not only to his own day, but to every day. The church is not primarily an institution for social reform. Its business, however, is to fit men for this work. However Peter and the rest of the disciples may have been inspired in the writing of their epistles, they were not infallible in the matter of political economy, as was indicated by the failure of their social scheme during that revival period in Jerusalem.

#### THE CHURCH'S QUESTION.

The question which the church must therefore determine is, how far ought she go in urging certain political measures which have only a temporary value?

Individual men and even individual church organizations may do many things in this direction which the church as an institution cannot afford to handle.

It will be of great assistance, however, to these men and these churches, to have at their command a bureau which will supply them with facts which may determine their action along social and religious lines as these shall affect the labor question.

This is the mission of the industrial department of the Presbyterian Board of Home Missions. It prepares material which each worker must apply as his judgment dictates. It suggests methods which each church must adapt as well as adopt. And yet it is pushing a propaganda, which, dealing with the broad principles of the question, is applicable to every situation.

Following is a statement recently issued by this department, which comprehends the main features of the work:

#### THE PLAN OF CAMPAIGN IN THE INTEREST OF THE WORKINGMEN.

Every pastor in a city to be visited will receive from our office a blank sheet, which contains questions as to the conditions in his church, his community, and his city. It is not intended that all of these questions shall in every case be answered, but it will help very much if the information asked for is furnished, even though no work is to be attempted in his particular church. The answers are in every case considered confidential.

#### EVANGELISTIC MEETINGS.

While the mission is not primarily evangelistic, some time is given to this phase of work in every city visited.

The evangelistic meetings are not, as a rule, held in the churches, but in the large shops at the noon hour, near the churches which desire to interest workingmen. These meetings are intended especially for working people who have become alienated from the church.

## CONFERENCES.

There is wide interest in the industrial problem as it has to do with the church. That this interest may be productive of the most good, conferences with the ministers of the city should be planned for, and a meeting with the labor leaders or of the labor unions should be arranged. Definite plans for the latter may be left until the Board's representative reaches the city.

## FRATERNAL DELEGATES.

Arrangements have been made whereby a fraternal delegate from the local minister's association meets regularly with the Central Labor Union, having all the privileges of the organization without assuming any of its obligations. It has been thought well in some cities to have a representative from the Central Labor Union meet with the ministers in the same capacity.

Realizing that if workingmen are to be reached for Christ, the work must be done very largely by Christian workingmen, it is a part of the plan or campaign to commit to a definite service for workingmen the men volunteers as its agents for the distribution of such literature for workingmen as may be issued from time to time, and to equip them who are already in our churches.

## A CAMPAIGN OF EDUCATION.

It is hoped that a more general interest in these problems may be given by the churches, and especially by the young men and women in our educational institutions. To this end special addresses on various phases of the work are delivered in our larger churches, to the students in our theological seminaries, and other organizations. An illustrated address on "The Workingman and Social Problems," with practical applications, is given when desired.

Not only are methods of work discussed in the conferences, and with the workers in our churches, but when opportunity offers, the work is organized so that a particular church may become effective in meeting the problems of the community by which it is surrounded. Practical suggestions are given, especially to the young men in the mission fields of the city, who desire to bring their churches to greater efficiency.

In addition to the literature already issued by the Board on this subject, it is planned to print leaflets for both the church and the workingmen, discussing the questions which deal with various phases of the workingman problem, as it has to do with the church.

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(6). REPORT OF THE STANDING COMMISSION ON THE RELATIONS OF CAPITAL AND LABOR.

*At the General Convention of the Protestant Episcopal Church held in Boston in October, 1904.*

The Standing Commission on the Relations of Capital and Labor was appointed by the General Convention of 1901, on the motion of the Rev. Dr. R. H. McKim, of Washington, and its duties were defined, as follows:

*First*, to study carefully the aims and purposes of the Labor Organizations of our country.

*Secondly*, in particular, to investigate the causes of industrial disturbances, as these may arise.

*Thirdly*, to hold themselves in readiness to act as arbitrators, should their services be desired, between the men and their employers, with a view to bring about mutual conciliation and harmony in the spirit of the Prince of Peace.

The Commission was directed to give an account of its proceedings to the General Convention, and it submits accordingly the following report:

Taking the definitions of our duty in reverse order, we have to say regarding *arbitration* that no request for our services has been received.

We have to confess regarding *investigation* that we have not, as yet, succeeded in studying in common the occasions of current disturbances. We are agreed, however, in the conviction that the causes of the violence of the past three years, in Pennsylvania, in Colorado, and in Illinois, are not so much economical as moral. The strike commonly begins in distrust. The reason at the heart of it is that the master has as little confidence in the good will of the men as the men have in the good faith of the master. The employer and the employed, separated by our industrial conditions at such a social distance as to make fraternal understanding difficult, make their bargain one with another, under these conditions, not as partners, but as competitors. Where distrust and antagonism are well founded, there is nothing for it, so far as the Church is concerned, except conversion. They who are at fault are to be admonished, on the one side against prejudice and passion, and on the other side against covetousness and the sins which proceed from the inordinate love of riches. Where distrust and hostility are unfounded, the Church may afford an opportunity of conference. The capitalist and the laborer are alike sons of the Church. They may not sit in the same seat, or even in the same building; that is largely a matter of locality. But there is as much loyalty to the Church and to the Divine Head of the Church in the one class as in the other. The voice of the Christian religion reaches both capital and labor. The Church helps to remove the moral causes of industrial strife when she brings these different members of her family into better acquaintance.

Besides these duties of arbitration and of investigation, we were charged to study the aim and spirit of labor *organization*.

We perceive among our clergy and laity alike much ignorance—frankly confessed and deplored—as to the principles which are involved in the conflicts of the industrial world. At the same time, it is plain that an enlightened public opinion is one of the determining factors of the situation. Every industrial dispute involves three parties—the employer, the employed, and the public; and the public eventually casts the deciding vote. Thus a serious social responsibility rests upon every Christian citizen, and, more especially, upon the Christian minister.

We suggest, therefore, the following books, as affording an introduction to the study of these matters:

- Wescott: "Social Aspects of Christianity" (Macmillan).
- Mitchell: "The Organization of Labor."
- Drage: "The Labor Problem" (Smith, Elder & Co.).
- Peters: "Labor and Capital" (Putnam).
- Bull Lectures, 1904: "Organized Labor and Capital" (Jacobs).
- Brooks: "The Social Unrest" (Macmillan).
- Gladden: "Tools and the Man" (Houghton, Mifflin & Co.).
- Abbott: "Christianity and Social Problems" (Houghton, Mifflin & Co.).
- Peabody: "Jesus Christ and the Social Question" (Macmillan).
- Report of the Anthracite Coal Commission.

We call attention to the analogy between certain offences of the union and like offences, past or present, of both the capitalist and the churchman. Thus, the employer's black-list corresponds to the union's boycott, and both are akin to the major excommunication. The lock-out and the strike are of

the same nature; and there is no great difference between such endeavors to employ the argument of famine and an interdict which deprives a people of the blessings of spiritual life. The question of the closed shop is like the question of the closed state. Men whose Puritan ancestors strove to maintain a state whose privileges should belong only to members of the Church ought to be able to understand the struggle of their brethren to maintain a shop in which no man shall serve except a member of the union. They may not agree with these brethren, but they ought to appreciate their self-sacrifice. The laborer has learned from the capitalist to despise order and break law. He has learned from the churchman to pursue the dissenter with menace and violence. The recent tragedies in Colorado do not follow at a far distance the massacres which in the sixteenth century ensued upon the withdrawal of Holland from the ecclesiastical union.

While, then, we condemn the tyranny and turbulence of the labor union, and call upon the law to preserve the liberty of every citizen to employ whom he will and to work for whom he will, we deprecate the hasty temper which, in condemning the errors of the unions, condemns at the same time the whole movement with which they are connected. The offences of the union are as distinct from the cause for which the organization of labor stands as the inquisition is distinct from the gospel.

In the face of a prejudice and an hostility for which there are serious reasons, we are convinced that the organization of labor is essential to the well-being of the working people. It is based upon a sense of the inestimable value of the individual man. "The cause of labor is the effort of men, being men, to live the life of men." Its purpose is to maintain such a standard of wages, hours, and conditions as shall afford every man an opportunity to grow in mind and in heart. Without organization the standard cannot be maintained in the midst of our present commercial conditions.

This report is designedly general in its terms, but there is one matter which we are constrained to commend in particular to the consciences of Christian people. We do not undertake to say how much of the blame of child labor belongs to the employer and how much to the parent. But we do say this, that the employment of children in factories and mills depresses wages, destroys homes, and depreciates the human stock. Nothing is so important in any community as a human being. Whatever interferes with the education of a child contradicts the best interests of the nation. We call, then, on Christian employers, as on Christian parents, to endeavor after such betterment of the local and general laws as shall make the labor of children impossible in this Christian country.

In the name of our common Master we ask the attention and energy of the Church to the removal of this and other crying evils. Thus shall we assist in setting forward the Kingdom and obedience of our Lord and Saviour, Jesus Christ.

[Signed]

HENRY C. POTTER,  
WILLIAM LAWRENCE,  
CHARLES P. ANDERSON,  
RANDOLPH H. MCKIM,  
CHARLES D. WILLIAMS,  
GEORGE HODGES,  
SAMUEL MATHER,  
JACOB RUS.



(7) REPORT OF THE LABOR COMMITTEE, NATIONAL COUNCIL OF CONGREGATIONAL CHURCHES, NOVEMBER, 1904.

The existence of the Labor Committee of the National Council is one of many similar proofs given by various Christian denominations in America of a growing social responsibility among the churches, for within the last three years several denominations have appointed committees on the industrial situation, or have taken other action in regard to it.

The chairman of your Labor Committee had the honor of suggesting to the Committee on Labor Organizations of the Massachusetts General Association, that a Labor Committee ought to be appointed by the National Council, and he was authorized to present this suggestion to the Business Committee of the last National Council then in session at Portland, Me. By that body it was heartily adopted, and a committee was appointed.

Your committee has held several meetings, and has carried on quite a large correspondence in the fulfilment of its work of which it now gives account and presents also a brief statement of its duties as it sees them, together with a brief *résumé* of industrial conditions. A few recommendations and several bibliographies of the labor question, one from Mr. John Mitchell, another from Hon. Carroll D. Wright, and others from the more than twenty specialists on modern industrialism whose help we asked, are added in conclusion. It may be interesting to you to know, that a representative of our committee has attended conventions of the American Federation of Labor, and of the Civic Federation; that we have corresponded with representative labor officials; and that two members of our committee have been sent by journals to study industrial strife on the field, and to report the same in print, one in Colorado, and one in Fall River, Mass.

THE FUNCTION OF A CHURCH LABOR COMMITTEE.

Because the labor problem has many phases economic, social, moral, many agencies have arisen to help in its solution. The general government has its Department of Labor and Commerce, and from time to time appoints special industrial commissions. Several States have Bureaus of Labor Statistics, and Boards of Conciliation and Arbitration, and nearly all of the States doubtless, have Legislative committees on labor to which proposed legislation is at first referred. Groups of interested citizens, such as make up the efficient industrial department of the National Civic Federation have formed among the people, and are largely helping to better the relationships of the world of industry. Legislative action has resulted in a body of statutory and common law, which has been highly serviceable in promoting the industrial uplift. With these agencies should be included the organizations of employees and of employers. It is therefore evident that the existence of these other forms of social effort and the nature and purpose of the Church limit its activities primarily to the social and moral phases of the labor question. In view, however, of the prevalent relations of organized Christianity and organized labor, the Church's first service should be with itself—to get information on the subject and to stimulate interest therein.

THE METHOD EMPLOYED.

Naturally what your committee has done, has been dictated largely by its conception of its place and duties. About one and one-half years ago, therefore, we sent a letter to each of our State associations, in which we asked

for the appointment of a Labor Committee that should be auxiliary to the Labor Committee of the National Council, to help toward a better knowledge of industrial conditions, and of the spirit of the churches, especially in their own locality; to come into sympathetic relations as far as possible with labor organized and unorganized; to help just and wise movements among workingmen, which mean physical, social and moral betterment; to seek affiliation with humanitarian and religious bodies having similar ends in view, and to keep the Labor Committee of the National Council informed as to the conditions found and the efforts made to promote the well-being of the industrial part of the community.

Some other religious bodies have committees that have worked upon lines different from ours, e. g., by seeking, (as in one instance) to approach the wage worker at first by the agency of some form of religious service chiefly of the evangelistic type, and, as in another instance, by endeavoring to promote the interests of workingmen through the formation of a society within a particular denomination.

We believe it better because more in harmony with the democratic policy of our churches, and because it encourages some interest from the many rather than the special interest of the few, that we should try to produce a larger and deeper interest among our people in this phase of the social question through committees of the State associations that shall be thoroughly representative of all our churches. The results already gained have justified our theory, for we have been notified that many of our State organizations have adopted our suggestions.

Doubtless committees have been appointed and some work done in other States besides those from which we have officially heard. We make grateful mention of the proffered assistance and genuine help of the committees of several States, especially those of Massachusetts, Illinois and Colorado, three commonwealths in which the student of social conditions will find at present much to interest him.

As far as possible, your committee has done what it asked the State committees to do, and we report that we have found the officers of humanitarian and industrial bodies quite as responsive to our requests for information and help as were the committees of some of the Christian denominations.

#### INDUSTRIAL SITUATION.

The economic features of the present industrial situation are so widely published in books and periodicals, that the people are generally familiar with them. For this reason, and because in general these economic features do not come within the scope of this report, we omit any special mention of them. We have a labor problem because we have large freedom, education, democracy, in which aggressive and acquisitive human beings are struggling for personal and social expression and betterment. The deep tendencies and the surface conditions of modern industry result in that consolidation of the forces of the employed, and the forces of the employer, that express themselves in the former instance in unionism and in the latter, in the various types of employers' associations. Apparently unionism is something more than that valuable phase of present day industry, collective bargaining, for unionism stands for the introduction of democracy into industry, the right of representation in the conduct of business. More fundamental than any other

practical question, such as the closed shop or freedom of contract, is this underlying demand of representation in the conduct of industrial enterprises. To achieve it, is the core of intelligent unionism which seems fast passing into industrialism, and to resist it is the purpose of much of the counter organization of employers. The result appears on the surface in suspicion, resistance, lawlessness, violence—the common hard features of much of the present industrial struggle. It is not our part to discuss this phase of the question. We simply state it, as a primary and inevitable element in the present contest. We believe that organizations of labor and organizations of capital are inevitable, that these forces are to be dealt with intelligently and humanely, and that any policy that means the utter subversion of one force to that of the other is certain to result immediately in intensifying the already ominous tendency to class division and class warfare. Constructive policies under the forms of law and tempered by the justly critical force of public opinion, are being framed by conservative leaders on both sides, and for these results we can hopefully wait.

We urge upon trade unionists and upon employers in the meantime the right use of power, and the cultivation of such a sense of responsibility as will conserve social well-being for the present and the future. The spirit of the marauder by whomever shown should be checked, and industrial organizations both of employees and employers, should become as they may become, strong forces in behalf of law and order.

The Christian Church is certainly one of the most powerful agencies in the promotion of human well-being. It has, therefore, a high social duty to fulfil in emphasizing goodwill, justice and brotherhood; in teaching restraint and patience; in embodying the religious spirit in democratic forms; and in holding up the highest personal and social ideals of life. Our churches and ministers should remember that the value of organized Christianity in the present industrial struggle is not dependent upon partisanship but rather upon the spirit in which it stands for righteous principles and for that moral insight that requires every man and every group of men to treat each and all, not as "ways of behavior" but as personalities having similar duties and privileges one with another.

We have been sharply criticized by a very few for saying that there is widespread indifference on the part of workingmen and the Church each to the other, and that occasionally the attitude toward the Church on the part of workingmen is one of alienation or hostility. We do not refer to this criticism for the purpose of rejoinder, but merely to re-affirm our position. It has been confirmed by our correspondence and conference with labor leaders, as it is sustained by the experience of social workers generally. If by "working-man" is meant anyone who works in any way, it is easy to show that the churches are made up quite exclusively of laborers, but if, as in our use of the term, manual wage earners are meant, e. g., mechanics, mill and shop operatives and unskilled laborers, their number especially in Protestant churches is small, and relatively to other social elements is growing smaller. We believe that the industrial difficulty lies more in the moral than in the economic order, hence our emphasis upon moral forces and aims and our belief that the Church should lead in producing a new spirit in industrial relationship. In the past, some of the most intelligent friends of workingmen have been found in the ranks of the Christian Church, its laymen and clergymen, and notwithstanding all assertions and beliefs to the contrary,

the same is true to-day. Kingsley, Maurice, and Toynbee, of a past generation in England, and several in America among the living whose names will readily recur to you are rightly regarded as the friends of the workers.

#### RECOMMENDATIONS.

Recognizing that the need and the right to work are fundamental in human society, and that much remains to be done to establish just relationships in the industrial order, we urge our churches to take a deeper interest in the labor question, and to get a more intelligent understanding of the aims of organized labor. This can be done through fraternal personal contact with the workers, and by reading the best publications of those who have a right to speak on industrial subjects. As helps by this latter method, your committee has secured from several sources labor bibliographies, which cannot fail to be highly suggestive to everyone who wishes to get theoretic information on this subject. These bibliographies we hope to have published in the Minutes of this Council, as an addendum to this report.\* Our thanks are hereby extended to the American Institute of Social Service, and to those gentlemen who have put their suggestions at our disposal, for their help.

We recommend further, that the National Council continue the appointment of a Labor Committee; that this Council through its Secretary ask each State body in our fellowship to appoint a Labor Committee which shall be auxiliary to the National Council's Labor Committee for the purpose of information and suggestion through correspondence and conference, as well as for such service locally as may be rendered; that the Council instruct its Labor Committee to seek affiliation with kindred committees of other denominations, and with non-ecclesiastical bodies that work for industrial betterment; that the Labor Committee try to get such expression from workingmen's and employers' organizations and leaders, as shall, in its judgment, best promote social welfare.

Finally, your committee has a two-fold conviction out of which issues an inference vital to the spiritual problem of our churches:

First. That this question has come to stay; that it cannot be blinked or waved aside; that no amount of religious activity or of practical religious helpfulness can solve it; that nothing short of justice—justice by and justice to capital and labor alike—can reach the case. But, on the other hand, and—  
Second. That only by the principles of the Gospel—its ethics, its love, its law of respect for every human soul as a son of God, and a brother of Jesus Christ, and its foundation stone of sacrifice—can the ends properly sought by all true employers and workers be attained.

In these circumstances, since hearts must be reached and the inmost man changed in order to supply any adequate motive for all this, one crowning inference follows, namely, that the present industrial-economic crisis constitutes a supreme motive for that fundamental revival of religion in all our churches for which the hearts of our people are looking, and longing, and praying.

Signed, Frank W. Merrick, Chairman; David N. Beach, Washington Gladden, William J. Tucker, William A. Knight, Secretary.

\*Nine lists of references contributed by the following authorities: (1) Raymond Robbins and T. K. Webster, (2) Rev. Washington Gladden, (3) Hon. Carroll D. Wright, (4) American Institute of Social Service, (5) Professor John R. Commons, (6) A Leading American Economist, anonymous, (7) Prof. Graham Taylor, (8) President W. J. Tucker, and A. F. Weber of the New York Department of Labor, (9) John Mitchell.

**(8) THE CONSANGUINITY OF LABOR AND EDUCATION.\***

BY PRESIDENT TUCKER OF DARTMOUTH COLLEGE.

What I have to say is in the nature of some reflections upon the "mind" of the wage earner—an expression which I borrow from the opening sentence of the recent work by John Mitchell on *Organized Labor*: "The average wage earner has made up his mind that he must remain a wage earner." I would not take this generalization in any unqualified way. The author has himself qualified it by the use of the word "average." But when reduced to its lowest terms it is, I think, the most serious statement which has been made concerning the social life of the country, for it purports to be the statement of a mental fact. If Mr. Mitchell had said that in his opinion the conditions affecting the wage earner were becoming fixed conditions, that would have been a statement of grave import, but quite different from the one made. Here is an interpretation of the mind of the wage earner, from one well qualified to give an interpretation of it, to the effect that the average wage earner has reached a state of mind in which he accepts the fixity of his condition. Having reached this state of mind the best thing which can be done is to organize the wage earner into a system through which he may gain the greatest advantage possible within his accepted limitations. I am not disposed to take issue with the conclusion of the argument (I am a firm believer in trade unions), but I do not like the major premise of the argument. I should be sorry to believe that it was altogether true. And in so far as it is true, in so far, that is, as we are confronted by this mental fact, I believe that we should address ourselves to it quite as definitely as to the physical facts which enter into the labor problem.

If "the average wage earner has made up his mind that he must remain a wage earner," we have a new type of solidarity, new at least to this country. No other man amongst us has made up his mind to accept his condition. The majority of men are accepting the conditions of their daily work, but it is not an enforced acceptance. This is true of the great body of people engaged in farming, in mercantile pursuits, and in most of the underpaid professional employments. In the social order one of two things must be present to create solidarity—pride or a grievance. An aristocracy of birth is welded together by pride. It perpetuates itself through the increasing pride of each new generation. An aristocracy is an inheritance not of wealth, for some "families" are very poor, but of an assured state of mind. An aristocrat does not have to make up his mind, it has been made up for him. An aristocracy is in this respect entirely different from a plutocracy. A plutocracy is at any given time merely an aggregation of wealth. People are struggling to get into it and are continually falling out of it. There is no mental

\*The Association of Officials of Bureaus of Labor Statistics of America, at its Twentieth Annual Convention held in Concord, N. H., July 12-16, adopted the following resolution regarding Professor W. J. Tucker's address to the convention:

*Resolved*, That we thank President William J. Tucker, D. D., of Dartmouth College, for his epoch-marking address on the Consanguinity of Labor and Education—natural and invincible allies in the conflict with capital that has no higher aim than profit. We believe that the labor question will be solved by a tripartite alliance between the college man, the educated working-man, and the educated employer. Educated labor, educated capital, and he whose education is his capital, will combine against mere commercialism and will win a substantial and lasting victory. We enlist in the cause, and to show our appreciation and endorsement of President Tucker's advanced views, agree at the earliest opportunity to publish his address in full in the official publications issued by the departments which we represent at this convention.

repose in a plutocracy. It is a restless, struggling, disintegrating mass. It has no inherent solidarity.

Next to pride, the chief source of solidarity is a grievance. The solidarity may be transient or permanent. It lasts as long as the sense of grievance lasts. Sometimes the sense of grievance is worn out; then you have to invent some other term than solidarity to express the deplorable condition into which a mass of people may fall. But whenever the sense of dissatisfaction is widespread and permanent it deepens into a grievance which creates solidarity. The human element involved is at work to intensify and to perpetuate itself.

Now when it is said that "the average wage earner has made up his mind that he must remain a wage earner," the saying assumes unwillingness on his part, the sense of necessity; and therefore a grievance which, as it is communicated from man to man, creates a solidarity. If you can eliminate the grievance, you break up the solidarity. The wage earner then becomes, like the farmer, the trader, the school master, a man of a given occupation. The fact of the great number of wage earners signifies nothing in a social sense, unless they are bound together by a grievance, unless they have made up their mind to some conclusion which separates them from the community at large or the body politic.

We have come, it seems to me, to the most advanced question concerning "labor," as we find ourselves in the presence of this great mental fact which Mr. Mitchell asserts. What can be done to so affect "the mind of the wage earner" that it will not work toward that kind of solidarity which will be of injury to him and to society?

It is of course entirely obvious that a greater freedom of mind on the part of the wage earner may be expected to follow the betterment of his condition. This betterment of condition is the one and final object of the trade union. I doubt if one-half of that which the trade union has gained for the wage earner could have been gained in any other way. I doubt if one-quarter of the gain would have been reached in any other way. Trade unionism is the business method of affecting the betterment of the wage earner under the highly organized conditions of the modern industrial world.

But trade unionism at its best must do its work within two clear limitations. In the first place, every advance which it tries to make in behalf of the wage earner as such finds a natural limit. The principle of exclusiveness, of separate advantage, is a limited principle. At a given point, now here, now there, it is seen to react upon itself, or to be turned back. Organization meets opposing organization. Public interests become involved. Moral issues are raised. The coöperating sympathy of men which can always be counted upon in any fair appeal to it, turns at once into rebuke and restraint if it is abused. The wage earner in a democracy will never be allowed to get far beyond the average man through any exclusive advantages which he may attempt through organization.

In the second place, trade unionism can deal with the wage earner only as a wage earner, and he is more than a wage earner. There comes a time when he cannot be satisfied with wages. The betterment of his condition creates wants beyond those which it satisfies. The growing mind of the wage earner, like anybody's growing mind, seeks to widen its environment. It wants contact with other kinds of minds. When once it becomes aware of its provincialism it tries to escape from it—a fact which is clearly

attested in the broadening social and political relations of the stronger labor leaders.

But while I believe that trade unionism is the business method of enlarging the mind of the wage earner through the betterment of his condition, I think that the time has come for the use, or adoption, of other means which may give it freedom and expansion.

One means of preventing a narrow and exclusive solidarity of wage earners is greater identification on their part with the community through the acquisition of local property. Mobility is in the earlier stages of the development of the wage earner the source of his strength. He can easily change to his interest. No advantage can be taken of his fixity. He can put himself without loss into the open market. He can avail himself at once of the highest market price, provided his change of place does not affect injuriously his fellow workers in the union—an exception of growing careers.

But in the more advanced stages of labor the wage earner gains the privilege of localizing himself, and in so doing he takes a long step in the direction of full and free citizenship. A good deposit in a savings bank adds to his social value, but that value is greatly enhanced by exchanging it for a good house.

I am aware that in advancing the acquisition of local property I touch upon the large and as yet undetermined question of the decentralization of labor. If the great cities are to be the home of the industries then this idea can be realized in only a partial degree through suburban homes. But if the industries are to seek out or establish smaller centers, then the wage earner has the opportunity to become more distinctly and more conspicuously a citizen.

Another means of giving freedom and expansion to the wage earning population in place of a narrow and exclusive solidarity is by giving to it ready access to the higher education. There is no reason why the former experience of the New England farmer and the present experience of the western farmer should not be repeated in the family of the intelligent wage earner. The sons of the New England farmer who were sent to college identified their families with the State and Church, and with all public interests.

They lifted the family horizon. I have said that this experience may be repeated in the families of the wage earner. It is being repeated. Let me give you an illustration, with which I am familiar. The students at Dartmouth are divided about as follows, according to the occupation of their fathers: Forty per cent are the sons of business men, 25 per cent of professional men, 15 per cent of farmers, of the remaining 20 per cent, more than half are the sons of wage earners. The per cent from the shops now equals that from the farm. I have no doubt that this proportion will hold in most of our eastern colleges and universities. The home of the wage earner is becoming a recruiting ground for the higher education, which no college can afford to overlook. As Professor Marshall, the English economist, has said, "Since the manual labor classes are four or five times as numerous as all other classes put together, it is not unlikely that more than half of the best natural genius that is born into the country belongs to them." And from this statement he goes on to draw the conclusion that "there is no extravagance more prejudicial to the growth of the national

wealth than that wasteful negligence which allows genius which happens to be born of lowly parentage to expend itself in lowly work." So much for the necessity of fresh, virile and self-supporting stock to the higher education, if it is to discharge its obligation to society. The reaction from the higher education upon the family of the wage earner is yet to be seen, but no one can doubt its broadening influence. As the representatives of these families become more numerous in our colleges and universities, and as they have time to make a place for themselves in all the great callings, they will of necessity lift those whom they represent toward their own level. Some of them will become captains of industry. I believe that in that capacity they will also become leaders of labor. For, as it seems to me, the settlement of the relations of capital and labor is to be more and more not in the hands of men who have been trained away from one another, but in the hands of men who have been trained toward one another.

I mention another source of freedom and breadth and power to the wage earner—a source which is common to all, namely, satisfaction in his work. The wage is not and never can be, the proper reward of labor. This is just as true of the salary as of the wage. The difference at present lies in the fact that the person on a low salary is apt to take more satisfaction in his work than the person on a high wage—the school-teacher on \$800 or \$1,000 a year in distinction from the mechanic on \$4 or \$6 a day. The present ambition of the higher wage earner seems to incline more to the pecuniary rewards of his work than to the work itself. Doubtless this tendency is due in no slight degree to the fact that the wage earner is brought into constant and immediate contact with the money making class. He sees that the value of the industry is measured chiefly by its profits. Sometimes the profits are flaunted in his face. At all times the thing most in evidence to him is money. I deprecate this constant comparison between the capitalist and the laborer. The comparison were far better taken between the workman and other men whose chief reward is not money. The old time professions still live and maintain their position through a certain detachment from pecuniary rewards. The exceptional doctor may receive large fees, but his profession forbids him to make a dollar out of any discovery which he may make in medicine. The exceptional minister may receive a large salary, but his profession puts the premium upon self-denying work. Even the law is more distinctively represented by the moderate salary of the average judge than by the fee of the counsel for a wealthy corporation. The skilled workman, the artisan, belongs with these men, not with the money makers. In allowing himself to be commercialized he enters upon a cheap and unsatisfying competition. His work is an art, and he has the possible rewards of the artist. Under mediævalism the guild and the university were not far apart. I should like to see the relation restored and extended.

I am not speaking in this connection of the unskilled laborer. There is a point below which it is impossible to idealize labor. The man who works in ceaseless and petty monotony, and under physical discomfort and danger cannot do anything more than to earn an honest livelihood, if, indeed, he receives the living wage. But he is as far removed from the advanced wage earner of our day as he is from any of the well supported and well rewarded classes. For him we are all bound to work, and to act, and to



think, not as an object of our charity, but as a part of our industrial brotherhood. And whenever a great labor leader, be he John Burns or John Mitchell, goes to his relief and tries to give him self-supporting and self-respecting standing, we should count it not a duty but an honor to follow the leading. But equally do I hold it to be a duty and an honor, that as the wage earner advances in intelligence, in pecuniary reward, and in position, he should take his place without any reservation whatever among those who are trying to meet the responsibilities which attach to citizenship in a democracy.

I have not attempted, gentlemen, to enter at all in this brief discussion, into the technical aspects of your work, but I am aware that I have covered ground entirely familiar to you. Very likely your broader judgment and clearer insight into details may modify some of my positions or make them untenable. But viewing the present disposition and purpose of the best intentioned leaders in the ranks of organized labor, with many of whom you have to do, I am convinced that their avowed object is not commensurate with their opportunity. I am convinced that the interpretation put upon the mind of the wage earner, if it represents a present fact, ought to suggest a duty toward the mind of labor. That duty is to give it freedom, breadth, expansion, to incorporate it into the common mind of aspiration and hope, the American type of mind. In saying this I do not overlook or minimize the imperative duty to raise the lowest wage earner to the highest place to which he can be lifted, and give a future to his children and to his children's children. I would urge in the full apostolic sense, the old apostolic injunction—"We that are strong ought to bear the infirmities of the weak." But I would not stop with this duty. I would make the wage earner as he grows stronger a helper all round, a partner in all the serious work of the republic, an active power in that commonwealth which draws no line within the wants or hopes of man.

V.

**COMMISSIONER McMACKIN'S ANSWER TO THE CHILD LABOR  
COMMITTEE.**

STATE OF NEW YORK:

DEPARTMENT OF LABOR,

ALBANY, February 8, 1905.

HON. FRANK WAYLAND HIGGINS, *Governor of the State of New York:*

YOUR EXCELLENCY.—I beg leave to make the following reply to the complaints made to you recently by Mr. Robert Hunter, Chairman of the Child Labor Committee, relative to my administration as Commissioner of Labor.

It is a libel upon the State for the Chairman of the Child Labor Committee to charge (at page 31 of the complaint) that "child slavery" exists within the boundaries of New York. There is no question that the members of the committee are actuated by most laudable motives in endeavoring to bring about the abolition of so-called "child slavery," which evidently they have been led to believe exists in this State; but the fact nevertheless remains that it is impossible for such a condition to prevail, and furthermore it has not been established that it does exist. The chairman of the committee overstates his case and deals largely in generalizations.

Inasmuch as Mr. Hunter has seen fit to compare Illinois with New York, so far as child labor is concerned, we also shall contrast the conditions in the two States. That "child slavery" is not prevalent here is shown by the reports of the Bureau of Factory Inspection. *In 1900 the proportion of children between 14 and 16 years of age employed in factories was 21 to each 1,000 operatives, but in 1903 the ratio dropped to 20 per 1,000 workers. In Illinois the proportion of children between 14 and 16 years of age at work in factories, according to the report of the Chief Inspector of Factories and Workshops for 1900, was 30 to each 1,000 operatives, while in 1902, according to figures given in the last printed report (1902), in that State the proportion rose to 38 per 1,000 employees in factories.*

The small proportion of child labor in New York State demonstrates clearly that our people generally have no desire to put their children at work until they have reached the age of 16 and have received a good common school education.

In truth, New York is freer from child labor than any other industrial State in the Union.

To proceed a step further, in order to emphasize the exact position of this State on the question of child labor in comparison with other States, we have extracted from an article on "Child Labor in the United States," by Anna R. Sewall, Ph.D. (and printed in the Bulletin of the United States Bureau of Labor for May, 1904, at pages 495-6), the percentages of children under 16 years of age employed in textile establishments in ten States. Here are the figures:

State	Percentage of children under 16 years of age.
New York .....	4.5
Rhode Island .....	6.0
Massachusetts .....	6.2
New Jersey .....	10.2
Maryland .....	17.0
Georgia .....	17.4
Pennsylvania .....	19.6
South Carolina .....	20.7
North Carolina .....	24.0
Alabama .....	27.2

Thus it will be observed that the proportion of child labor in the textile industry in New York is less than it is in any of the other nine States reviewed in the study of child labor in the United States Bureau of Labor Bulletin, being below that of Massachusetts, which is considered a model State with respect to child labor legislation.

#### IMMENSE VOLUME OF WORK REQUIRED TO BE PERFORMED BY THE DEPARTMENT OF LABOR.

That your Excellency may have a thorough and comprehensive idea of the great variety of duties imposed upon our branch of the service, we deem it advisable to outline to you the character of the work that we are required by the statutes to perform.

In the first place the Department of Labor comprises the Bureau of Factory Inspection, which is in charge of the First Deputy Commissioner; the Bureau of Labor Statistics, over which the Second Deputy Commissioner presides; the Bureau of Mediation and Arbitration, under the supervision of the Mediator of Industrial Disputes, and the New York Free Employment Bureau, which is conducted by a superintendent. These several bureaus, which are under the direction of the Commissioner of Labor, are charged with important duties, but, as the Bureau of Factory Inspection is the only bureau attacked, we shall confine our statements to that branch.

There are fifty-four (54) sections in the Labor Law (exclusive of the Mining Law), the provisions of which it is the duty of the Bureau of Factory Inspection to enforce. These sections relate to the following subjects: Hours of labor on public work; hours of labor on street surface and elevated railroads; hours of labor in brickyards; hours of labor on steam surface railroads; payment of wages to employees by corporations; preference in employment on public works; seats for female employees; inspection of scaffolding, etc.; protection of persons employed on building construction; enforcement of municipal ordinances relating to factories; employment of minors in factories; hours of labor for minors and women; proper enclosure of elevators; relating to stairs and doors in factories; protection of employees operating machinery; fire escapes outside of Greater New York; painting or whitewashing walls and ceilings; overcrowding workrooms; ventilation of workrooms; reporting of accidents sustained by employees; dressing rooms; washrooms and water closets; time allowed for meals; safety of buildings used for factory purposes outside of Greater New York; inspection of boilers in factories; laundries; employment of women and children on polishing

or buffing wheels; manufacturing in tenement-houses; bakeries—relating to hours of labor; drainage; plumbing; storage of products; cleanliness of rooms and furniture, washroom, closets and sleeping rooms. To perform this large amount of labor we have a force consisting of 37 deputy factory inspectors.

During the year 1903 (the result during 1904 is not yet tabulated) the deputies visited and inspected 35,717 factories, workshops and bakeries; 32,042 tenement apartments; they visited 13,986 establishments that were found either closed, burned or tenants removed; they investigated 695 complaints; visited 2,174 places to establish a compliance with orders issued; investigated 36 serious accidents, a total of 84,660. In addition to this they kept 392 appointments in reference to prosecutions and actually conducted 119 prosecutions to a final issue, or a grand total of over 85,000 separate items of official duties performed by our field force during 1903.

The almost incomprehensible amount of detail work incident to the performance of these duties can not be very readily grasped, but all of this was accomplished with an effective field force of only 34 inspectors; the other three inspectors had to be detailed to perform clerical service in the main and sub-offices and a few of the effective field force had to be called in to assist in the compilation of the Annual Report of the Bureau of Inspection, thereby reducing the actual time spent by the force in the field.

In prosecuting this work we find it necessary to divide the State into inspection districts detailing inspectors to go over the territory. The extent of ground to be covered and the number of establishments to be regularly inspected make it utterly impossible for the Department to inspect the factories with any greater frequency than once a year, and it we attempted to do more than this in certain localities, or in respect to a certain class of industries, we would have to neglect the interests of other factory operatives entirely, because of inability to reach them. From an official standpoint we believe that our enforcement of the law should aim to produce the greatest good to the greatest number.

We feel that a few words would not be amiss regarding the work of our Department in relation to manufacturing in tenement-houses. In the recent past "sweat-shop" or tenement-house work was the principal issue in connection with our duties, upon which public interest seemed to centre, and it is yet one in which a large body of citizens are vitally interested, and very properly, too, for no subject concerns our people to a greater extent than the question of sanitary conditions under which the ready-made garments, so extensively sold, are manufactured. It is undoubtedly true that infected clothing is the most prolific of all sources or means of contagion or infection. It therefore follows that, in order to protect the health of our people, we devoted considerable time and attention to the inspection of such work-rooms. As already stated, our deputies during 1903 inspected 32,042 separate apartments in tenement-houses where goods were being manufactured; as a result of our visitation improper conditions were remedied and the resultant public good can not be estimated. There can be no doubt as to the beneficent effect of our labors in this connection; vast improvement in conditions is the unquestionable result. We could not neglect this important branch of our duty without proving recreant to the best interests of our State.

The second paragraph of section 62 of the Labor Law defines the duties of the Commissioner of Labor in relation to factories. We are directed to

"visit and inspect," to enforce the provisions of the Labor Law therein and to prosecute violations.

The policy of the Department, from its institution to the present day, has been to endeavor to comply in a reasonable way with the requirements of the statute. We have sought to visit and inspect every factory in the State. We have, as a result of such visitation, issued orders according to the obvious intent of the statute relating to violations of the law. We have adopted and followed a course calculated to secure compliances without involving a serious loss of time that would have brought about no resultant benefit. Prosecution is only undertaken when it appears that the manufacturer refuses to comply with the law.

We have no right to specialize in our work. If we do that we are justly subject to censure by those whose interests are allowed to suffer by reason of such specialization. Our inspectors are given urgent instructions to cover their assignments expeditiously. They are ordered to secure immediate compliance with the law. If upon their return to an establishment, to investigate compliance with orders given, violation is continued, their directions are to prosecute without delay. These instructions have never been withdrawn nor modified. We *want* to be more effective in our work. We *believe* that more prosecutions should be undertaken; but, until such time as our force is largely increased, more can not be accomplished in that line without a corresponding neglect of other interests.

#### THE CANNING INDUSTRY.

In relation to the charge regarding the canning industry: It was during the summer of 1904 that the representative of the Child Labor Committee conducted his inquiry concerning the canning industry in Central New York, work in which is carried on for only a few weeks in the year, when fruits and vegetables are ripe. This inquiry was in progress when the whole force of inspectors attached to the Bureau of Factory Inspection was in New York city and vicinity pursuing an investigation of numerous complaints made to the Department by labor organizations that the Eight Hour and Alien Labor Law was being violated on a large number of public contracts, such investigation having been undertaken by us after consultation with, and by the acquiescence of, the Governor of the State. And right here it is proper to remark that this course of concentrating the force at a given point was in consonance with Mr. Hunter's ideas as expressed by him on several occasions.

We have done everything possible to coöperate with the Child Labor Committee in its work. During the fiscal year ended September 30, 1904, that committee submitted to the Bureau of Factory Inspection, at the sub-office in New York city, 124 complaints alleging violations of the Child Labor Law. (See Exhibit A.) All of these were immediately investigated, and we have letters from the Secretary of the committee (written after the visitation of its representative to the canning centre) thanking the Department for its prompt attention thereto. (See Exhibits B, C, D, E.) Wherever these complaints were sustained the provisions of the law were applied and the violations ceased. When it is considered that there are 22,000 factories in Greater New York alone it would seem that the Child Labor Committee, with its many sources of information, found no very general violation of the law.

Of these complaints, 48 were not sustained upon investigation. In fact, many of them had nothing upon which a complaint could be fairly based. The last letter received at the sub-office from the Secretary of the Child Labor Committee relative to a child labor complaint, thanking the Department for its promptness, was dated December 3, 1904, indicating that the Department had the confidence of the committee at that time. It is, therefore, difficult to understand the object of the committee in not reporting to us the condition it claims to have found in the canning industry in the interior of the State several months previous to the receipt at the sub-office of its final communication, relating to child labor cases in New York city. It indeed would be of interest to the public to know why it was that while in one section of the State the committee was coöperating with us, in another section was preparing a case against us. The Department was not aware of the alleged up-State violations, and if complaints regarding them had been filed with us they would have received attention forthwith. Inasmuch as the committee avows that it knew of these conditions in the canning region, why did it not inform the Department? Then if there were failure on our part to enforce the provisions of the law it would have had grounds for the charges that are now brought against us. Under section 3841 of the Penal Code a violation of the Child Labor Law is made a misdemeanor. As a matter of fact any citizen may make complaint to a magistrate in the case of the commission of a crime, and cause the legal machinery to be put in motion for the purpose of trying and convicting the offender. The Child Labor Committee has an able lawyer to look after its legal business. If it really believed that the Department were derelict in its duties, and if it were convinced that the conditions in the canning section were as deplorable as pictured and desired to vindicate the law it would appear that its counsel had ample opportunity to institute proceedings without waiting for the action of the Department.

In the Boroughs of Manhattan and Brooklyn, New York City, last year there were dismissed more than 2,500 children who were found at work by the inspectors without the certificates required from the Department of Health, although many of the children were entitled thereto. Their employers were promptly notified of the violation of the law and warned that a repetition would invite prosecution. This was done on the assumption that the average manufacturer is a law-abiding citizen who does not wilfully seek to override the statutes of the State. A like position is taken by Dr. Darlington, President of the New York City Department of Health, which is charged with the duty of enforcing the Child Labor Law so far as it relates to mercantile establishments, offices, etc. He said in a recent newspaper interview:

"Now, I am not going to have men arrested for a violation of the law committed, perhaps unwittingly, for the first time. We're not living two hundred years ago, and we cannot go around arresting people on every complaint we receive. I find, indeed, that where there has been a violation of the law all that is needed is to call the attention of the employer in the particular case to it, and the offense is not repeated."

In the same interview Dr. Darlington complained that his force of inspectors was insufficient to properly enforce the provisions of the act relating to stores, etc. "Of course," he said, "an inspection of stores and such places must be limited. I have not a force at my disposal large enough for a continual round of inspection. I have not enough men even if they had no other work to do."

The names of 2,500 dismissed children mentioned above were sent immediately upon receipt thereof at the sub-office to Mr. Clarence E. Meleney, the Associate Superintendent of Public Schools in New York city. He referred them to his truant officers, who in numerous instances compelled their attendance at the public schools. Mr. Meleney has informed Mr. Thomas A. Keith, Assistant First Deputy Commissioner, in charge of the New York sub-office, that the truancy department, by reason of the insufficiency of the number of officers, had been accustomed to take up only the most urgent cases that we have called to his attention. This is certainly important when it is considered that the Board of Education of New York has 73 truant officers, while the Bureau of Factory Inspection has only 37 inspectors throughout the State. Mr. Meleney truthfully asserts that it would be an impossibility for him to attempt, with the force that he has, to follow up every case submitted by the Bureau of Factory Inspection.

#### CHelsea JUTE MILLS.

The reason furnished by the committee for its failure to file the information with us was that the Commissioner of Labor had utterly failed to "enforce" the law, hence it was useless to bring to his attention any further cases, and in order to sustain this contention the Chelsea Jute Mills is cited as an instance to illustrate our failure to "enforce" the Child Labor Law. On page 12 of the complaint, the committee states that its attention was called to the Chelsea Jute Mills in the fall of 1903 and that at its request the Department of Education of New York detailed some of its attendance officers to investigate the conditions existing in that establishment in respect to child labor. The report of this investigation contained these passages: "We took the names of about sixty children who appeared to be under the age of 14." \* \* \* "The investigation revealed hundreds of little girls and boys." \* \* \* "In one room dozens of these were in their bare feet."

Without some explanation the foregoing presents a serious state of affairs and is a strong indictment against our administration. But, what are the facts? The Chelsea Jute Mills is a large employer of juvenile help. It employs a considerable number of foreign-born children and there is no public record in this State showing their age. Every child employed by this concern has filed in the office of the company either a board of health certificate according to law or a sworn statement made by one of its parents that it is over 16 years of age. We are advised by the Attorney-General that if a board of health certificate, issued to a child, is on file in the office of the employer, such employer is absolutely protected in the employment of that child regardless of whether or not such certificate was properly issued. And further, that if a child is employed on the strength of a parent's affidavit certifying that the child is over 16 years of age, we can not hope for successful prosecution unless we are in a position to prove that the sworn statement of the parent regarding the age of the child is false. The difficulties surrounding the matter in the cases of foreign-born children are therefore insurmountable. Our inspectors have invariably expressed their doubts as to the ages of many of the children in this establishment, but when they take up the matter they are confronted with the father's or mother's sworn statement. While morally certain that many are at work on the strength of perjured statements we are

not in a position to advance legal proof of the fact. In other words, except in the cases of native-born children, we can not secure valid evidence of a violation of the statutes. The committee has seen fit to contrast the services of the New York City Department of Education with the services of the Bureau of Factory Inspection respecting the conditions at this plant. What is the record?

The officers of the Department of Education report in one instance "about sixty children," "apparently under 14," in another: "hundreds of little girls and boys." How many suits did they institute? One! The Department of Education recovered a penalty of \$50 by civil action in this *one* case. It does not appear that the attendance officers arrested the children who appeared to be under 14 years of age for truancy, although section 8 of the Compulsory Education Law clothes the attendance officer with authority to arrest truant children without warrant.

The Bureau of Factory Inspection in 1900 issued twenty-two orders against this establishment. Late in the fall of the same year the mill was again inspected by two deputies. Complying with orders issued to them to prosecute second violations of the Child Labor Law, proceedings were instituted against the superintendent of the Chelsea Jute Mills on or about December 6, 1900. On December 14, 1900, the case came to trial in the Fifth District Court, Justice Fleming presiding. The defendant was convicted and the heaviest penalty ever recorded, up to that time, for a violation of the Child Labor Law, was imposed. He was fined \$100. Another case, tried the same day in the same court, against the American Manufacturing Company, was similarly treated. From that day to this the Chelsea Jute Mills has not employed a child without either a board of health certificate or the parents' affidavit as hereinbefore described.

During the first week of January in this year two deputies were detailed to make a special investigation of the child labor conditions in this same plant. Their report shows that while believing that some of the children employed were under 16 years of age, and several apparently under 14 years, they were unable to take any action because the said children had filed with the company the sworn statement of one of their parents to the effect that they were over 16 years. These children being of foreign birth the validity of the statements could not be disproved by any public record here.

We therefore submit that in view of the foregoing, the apparently bad conditions in respect to the employment of children in the Chelsea Jute Mills can not be charged to the failure of this Department to perform its duty.

#### THE DEPARTMENT VAINLY SOUGHT THE COÖPERATION OF THE DISTRICT ATTORNEY'S OFFICE OF NEW YORK COUNTY.

It is charged by Chairman Hunter (page 2) that the Child Labor Committee "requested District Attorney Jerome to put at the disposition of the Department of Labor a special attorney to attend to these cases," and that "seven months passed, and inquiry brought out the fact that there had been only one case, involving two children, brought to the attention of the District Attorney during that time." On March 28th last Mr. J. K. Paulding, Secretary of the Child Labor Committee, wrote to the Department as follows:

"Understanding and appreciating the difficulties with which you have had to contend in prosecuting these cases, I have no doubt you will be glad to



avail yourself of the District Attorney's willingness to assign to this work a special assistant in the County of New York. And inasmuch as the request for the appointment of such an officer would come more properly from your Department I write to suggest this action, providing it meets, as I have no doubt it will, with your approval."

Acting upon this suggestion we promptly communicated with District Attorney Jerome, who made the desired assignment. The manner in which this special Assistant District Attorney treated the requests of this Department is so well described by Mr. Thomas A. Keith, Assistant First Deputy Commissioner of Labor in charge of the New York sub-office, that it does not need further comment on our part. Mr. Keith's report follows:

"Mr. Robert Hunter and his friends have made very free use of the assertion that one of Commissioner McMackin's statements with regard to the enforcement of the Child Labor Law was that the Department could have done a good deal better if it had had the services of a competent attorney. Mr. Hunter and his friends have gone further and asserted that they furnished this attorney through District Attorney Jerome, who is stated to have assigned Mr. Keyran J. O'Connor to look after cases for the Department of Labor, and this is supposed to have disposed of Commissioner McMackin's explanation. Mr. Hunter has, therefore, claimed that there could be no possible excuse why a child labor violation should not have been prosecuted in every instance.

"In this connection I desire to call your attention to three letters which I addressed to Mr. O'Connor on May 27, July 12th, and July 25, 1904.

"MAY 27, 1904.

"HON. K. J. O'CONNOR,

"Assistant District Attorney,

"Criminal Court Building, Manhattan.

"DEAR SIR: Will you please advise me when it will be convenient for you to see Deputy Lownsbury at your office relative to some cases in which we think there should be prosecution?

"Very respectfully yours,

"(Sgd.) THOS. A. KEITH,

"Asst. 1st Deputy Commissioner."

"JULY 12, 1904.

"KEYRAN J. O'CONNOR, ESQ.,

"Assistant District Attorney, Manhattan.

"DEAR SIR: Will you kindly let me know what day and hour it will be convenient for you to see two of the inspectors of this Department relative to prosecution of some cases?

"Very respectfully yours,

"(Signed) THOS. A. KEITH,

"Assistant 1st Deputy Commissioner."

"JULY 25, 1904.

"MR. KEYRAN J. O'CONNOR,

"Assistant District Attorney, Manhattan.

"DEAR SIR: The police of the West 68th Street Station notified this office that Baas Davis of Park avenue, between 117th and 118th streets, was fatally injured today by the falling of a scaffolding at No. 312 West 65th street, owned by Emil Wildseuer, a boss painter of No. 84 Amsterdam avenue. The latter was arrested. Under section 19 of article 1 of the Labor Law this Department has jurisdiction in such cases and a penalty can be imposed for the use of unsafe scaffolding. Will you please look after the Department's interests in this matter? The case is in the West 54th Street Court.

"Very respectfully yours,

"(Signed) THOMAS A. KEITH,

"Asst. 1st Deputy Commissioner of Labor."

"Mr. O'Connor not only did not provide for the conference requested, but did not even deign to acknowledge receipt of the letters or any of them.

"The first of these letters was not written until after Deputy Lownsbury, whose affidavit is attached, spent the better part of two days in a vain effort to see Mr. O'Connor at his office to submit cases to him.

"I also desire to call your attention to the fact that on July 12th, July 16th, July 22d and Aug. 11, 1904, I notified Mr. Williams, First Deputy Commissioner of Labor, of the failure on the part of Mr. O'Connor to pay any attention to communications from this Department.

"Letter dated July 12, 1904:

" \* \* \* Regarding papers which you send down in the prosecution cases—I have turned them over to Mr. Walling with instructions to see Mr. O'Connor, but not to do so until I hear from him (Mr. O'Connor). I have written to Mr. O'Connor asking him to set a time when it will be convenient for him to see Mr. Walling and Mr. Lownsbury, who also has a case. I did this to save time, because only recently Mr. Lownsbury spent nearly two days in a vain attempt to find Mr. O'Connor at his office."

"Letter dated July 16, 1904:

" \* \* \* I have not yet received an answer from Assistant District Attorney O'Connor and I am very glad I did not let the men go to the Criminal Court Building and take chances of finding him. The indications are that we will have quite a few more prosecutions, and I suppose to save time, it will be better to put them in charge of the same deputy, and I think I will give them to Mr. Walling."

"Letter dated July 22, 1904:

" \* \* \* Mr. Lownsbury leaves tomorrow and I presume he will not return for some time. If you do not intend to use him up the State after the expiration of his vacation, I wish you would let me know, because he has a number of matters in abeyance on which you have ordered prosecutions, but in which warrants have not yet been issued because Assistant District Attorney O'Connor has not yet answered my letter of more than a week ago, requesting him to set a time at which he could see Messrs. Walling and Lownsbury with relation to prosecutions."

"Letter dated August 11, 1904:

" \* \* \* I have not heard from the District Attorney's office, and unless I do I shall again see Mr. Jerome or his acting deputy before the 22d. Mr. O'Connor pays no attention to letters."

"Furthermore, I went to the Criminal Court Building several times in a vain effort to find Mr. O'Connor, and had to refer the cases which I had in hand either to Mr. Paul Krotel or Mr. Appleton."

"It seems to me, therefore, that this explanation ought to do away with the contentions of Mr. Robert Hunter and his friends with regard to the great aid they had furnished the Department in securing the assignment of an assistant district attorney to aid in the matter."

"I know that so far as this office is concerned every reasonable effort has been made to enforce the Child Labor Law rationally. Even where I have found cases where I doubted the jurisdiction of the Department to act, I have called the attention of the Corporation Counsel to the matter, and in support of this statement, I furnish you with a copy of a letter, dated April 1st, 1904, which I addressed to Hon. John J. Delaney, Corporation Counsel for this city. This case was submitted and it was found from the course of the proceedings that there was grave doubt as to the jurisdiction of this Department over the premises, 7 Old Slip, the place really being a paint shop rather than a factory. Mr. Hanford P. Walker of the Bureau for the Regulation of Penalties did start proceedings in this case, but they were abandoned because the employer dismissed the child."

"STATE OF NEW YORK, }  
"COUNTY OF NEW YORK, } ss.:

"Thomas A. Keith being duly sworn, deposes and says that he is in charge of the New York office of the Department of Labor, and swears that the above statement of facts is true."

"Sworn to before me this 24th  
day of January, 1905."

"THOMAS A. KEITH."

DAVID J. NAUGHTIN.

"Notary Public, New York County."

"STATE OF NEW YORK, }  
"COUNTY OF NEW YORK, } ss.:

"Willard G. Lownsbury, being duly sworn, deposes and says that he is a deputy factory inspector; that last spring he was notified with other deputies that when he had cases in which prosecution was to be brought he was, before

procuring a summons or a warrant, to submit the facts to Assistant District Attorney Keyran J. O'Connor; that in accordance with these orders this deponent in May last went to the Criminal Court Building and spent the entire day there in a vain attempt to see Mr. O'Connor; that he returned to the Criminal Court Building on the succeeding day, remaining there until late in the afternoon, with no better results; that he reported the facts to Mr. Keith, who telephoned to the District Attorney's office, but failing to reach Mr. O'Connor, wrote him a letter.

"Sworn to before me this 19th  
day of December, 1904.

"THOS. A. KEITH,  
"Notary Public, New York County."

"W. G. LOWNSBERRY.

"APRIL 1, 1904.

"HON. JOHN J. DELANEY,  
"Corporation Counsel,  
"2 Tryon Row, Manhattan.

"MY DEAR SIR—I desire to call your special attention to the wilful violation of the Child Labor Law, which seems to me to come within the jurisdiction of your office as was the case recently tried before Mr. Justice Roesch.

"One of the tenants of No. 7 Old Slip is George Foster. This Department has had a good deal of trouble in trying to bring about a compliance of orders against the property occupied by him.

"Yesterday one of our deputies found in his employ George Brown, who is only ten years of age. The boy was ordered discharged and sent to his home, No. 129 Crescent street, Long Island City. The deputy again visited the premises to-day and found the same boy still at work, and in the absence of Mr. Foster the latter's foreman refused to dismiss the boy and defied the inspector to remove him. I have just sent two deputies to the place for the purpose of securing the necessary evidence on which to prosecute Foster criminally.

"It seems to me that this is a case where it would be well for your Department to make an example of the employer.

"Any assistance that this Department can render you in the premises, should you institute a suit, will be cheerfully given.

Very respectfully yours,

"(Sgd.) THOS. A. KEITH,  
"Assistant First Deputy Commissioner of Labor."

#### CONDITIONS DO NOT WARRANT A COMPARISON OF THE WORK IN NEW YORK WITH THAT IN ILLINOIS.

Mr. Hunter lays considerable stress upon the action of the Illinois Factory Inspector in child labor cases in 1900 and compares the latter's work with that of the New York Bureau of Factory Inspection in 1902 (page 21). When all the facts in this particular matter are fully considered, it will be seen that the comparison he draws is devoid of the least degree of fairness. Mr. Hunter charges that in Illinois in 1900 there were 632 convictions for violations of the Child Labor Law of that State. According to the report of the Illinois Inspector of Factories and Workshops for that year, fourteen of these convictions were "for employing children under 14 years" and 618 were "for employing children between 14 and 16 without affidavits." The correctness of this statement is not disputed, but we most respectfully take exception to Mr. Hunter's contention "that Illinois, although having per inspector more work to do, and having relatively and actually a smaller enforcing body, has accomplished vastly more than the New York Department." We have already pointed out the immense volume of work that is required to be, and is, performed by the Bureau of Factory Inspection of this State, and we desire to accentuate the fact that the reason for the large number of prosecutions of child labor cases in Illinois lies in the fact that, owing to the limited amount of inspection required in that State the time of the inspectors was almost wholly devoted to investigations concerning the

employment of children. The concentration of their efforts in that single direction accounts for the showing they made in child labor cases. The section of the Illinois statutes of 1900 which it was the duty of the factory inspectors to enforce were confined solely to the employment of children, to the regulation of tenement manufacture, and to compel the using of blowers upon metal polishing machines. The Illinois Report for 1900 states that of the 15,219 places visited by the inspectors the "*number of places inspected for child labor*" was 15,171, 4,387 of these establishments being in towns outside of Cook county, in which the city of Chicago is located, and 10,784 being in that county, and that the "*number of inspections of metal polishing wheels*" was forty-eight.

Then, too, there were more prosecutions in Illinois, because there were more flagrant violations of the Child Labor Law in that State than there were in New York State.

Again, the Illinois factory inspectors have jurisdiction over mercantile institutions, stores and offices, which it is not the province of the New York bureau to investigate, thus giving the Illinois inspectors a larger field of operation than the New York bureau has in places where children are employed.

Furthermore, the Illinois department, under the law, was not required to look after the safeguarding of dangerous machinery and elevators, the erection of fire-escapes, the sanitation and safety of factory buildings in general, and the regulation of labor hours; neither was it required to perform the very numerous other duties that the statutes oblige the bureau of this State to attend to.

While dwelling upon this phase of the controversy it is pertinent to quote the following significant remarks of Hon. Louis Arrington, Chief Inspector of Factories and Workshops in Illinois, in his report for 1899 (page 5, paragraph 2), as bearing out our contention relative to the reasons why the Illinois Inspectors made a specialty of child labor matters:

*"The repeal of the Fire-Escape Law by the Forty-first General Assembly has enabled this Department to give more time and attention to the enforcement of the Child Labor Law."*

In view of the foregoing facts, we are justified in maintaining that a comparison of the quality and quantity of the work in the two States is entirely out of the question, and can not be justly considered.

#### VIOLATIONS.

The term "violation" used in our Annual Report means every separate subject upon which the Department issues an order to factory proprietors. In the list there are over one hundred and twenty (120) distinct orders covering the following general subjects:

- I. Administration.
- II. Sanitation and Safety.
- III. Children.
- IV. Women and Minors.
- V. Laundries.
- VI. Workshops in Tenements.
- VII. Bakeries.
- VIII. Wages, etc.

In Division I, the Department, during the fiscal year ended September 30, 1903, issued 19,845 orders and secured compliances with 19,815. In Division II, 21,643 orders were issued, 14,280 of which were reported complied with. In Division III, 2,832 orders were given and immediate compliance reported in 2,823 cases. In Division IV, 155 orders were given and 120 compliances reported. In Division V, 690 orders were issued and 356 compliances reported. In Division VI, 604 orders were issued and 438 compliances were reported. In Division VII, 4,755 orders were given and compliances reported in 2,769 cases. In Division VIII, 48 orders were given and 32 compliances reported.

The Child Labor Committee has laid particular emphasis upon the fact that our report for 1903 contains the startling information that in the factories of this State our inspectors found 50,572 violations of law during the year and says (at page 23) "that the violations of the law have increased every year during the administration of Commissioner McMackin, until now there are about 17,000 more violations of the law than in the year 1901" (these statistics being unfairly compared by the committee with those of 1901, in which year the report covered only a period of ten months and when the Department was in a formative state. This is explained by the fact that prior to 1901 the fiscal year of the Bureau of Factory Inspection ended on November 30th, but in the latter year, when the consolidation of the several bureaus took place, the fiscal year was changed so as to begin with October 1st, and to thus conform with that of the Bureau of Labor Statistics. Consequently, there were less inspections and a smaller number of orders issued and complied with than in either of the two subsequent twelve-month periods referred to by the committee—1902 and 1903.) The figures quoted herein show that we secured compliances with 40,628 of these orders. The question naturally arises, what became of the 9,944 excess orders over compliances?

In order that your Excellency may get a clear idea of what these figures really mean, it would be well to bear in mind that not less than fifteen different forms of orders, which are more frequently given by our inspectors than any others, and are incorporated in their reports, are complied with on the spot. They relate to mere technical infractions of our statutes, but still are included in the sum total of violations and are therefore made, in part, the basis of the indictment against us. A list of this class of orders is appended hereto and marked Exhibit F.

A total of over 24,400 of these orders were issued by our force during the year 1903, and with a very few exceptions they were promptly complied with. It therefore appears that of the 50,000 orders given, only about 26,000 were issued upon written notices from our main office. These 26,000 orders were divided between 13,900 separate establishments, an average of less than two orders for each factory.

Our method of securing information regarding compliance with these orders is as follows: 1st. Through direct reports received from the manufacturers to whom the notices are addressed. 2d. Through the personal visits of the inspectors to as many factories as they can reach the second time in one year.

The return from the manufacturer is made upon the printed perforated slip attached to the bottom of Exhibit G, and our experience proves that statements made to us in this way are usually reliable; very few cases of misstatements have been detected. We feel, in view of this, that the Depart-

ment is entirely safe in assuming that a large percentage of orders issued, upon which we have no report, are complied with, but for which no credit is taken by the Department because we have no authoritative statement certifying to the fact. Our method in cases requiring special attention is to make a carbon copy of the notices sent to the manufacturers, sending such carbon copy to the inspectors with instructions to reinspect at the expiration of the time limit given in the notice. If the deputy, upon reinspection, discovers a change in conditions, warranting suspension or withdrawal of orders given, he recommends such a course, setting forth fully the reasons for such recommendations. If, however, the inspector reports the violation unabated, he recommends what we term a "Final Notice," form of which is appended hereto and marked Exhibit H—giving a short period for compliance, at the expiration of which the inspector again visits the establishment. If the law is not then complied with, prosecution ensues. Our experience is that the "Final Notice" obviates the necessity for extreme measures, except in a very few instances. The cases that are treated in this special manner as a rule are those where unsanitary or dangerous conditions exist, and these special or final notices generally carry from three to six orders; that being the case it would be safe to say that an average of four violations were investigated in each establishment reinspected during 1903, or about one-third of the total violations which were covered by notices sent from this office to the factories. In addition to this a large number of orders are suspended, withdrawn, or the time for compliance with them extended. This is done upon the presentation to us of facts indicating clearly to us that the enforcement of the order or orders would not serve any immediate good purpose. In no case, however, do we withdraw an order, nor do we extend the time given for compliance, until after an examination, to determine the effect of such action on the employees of the concern affected. Our inspectors frequently issue orders which the Department could not enforce.

For instance, one inspector issued an order to provide an exhaust fan to remove dust from certain rooms in a grist mill. Technically he was right; but no sane person would regard the dusty condition of such a place as a violation of the law. If we had at our disposal the full quota of inspectors (50 instead of 37), and the necessity for detailing inspectors to perform clerical service was entirely removed, we would be enabled to cause a reinspection of every factory against which orders had been issued. Such reinspections would undoubtedly show a compliance with most of the orders issued and prosecutions could be undertaken when it appeared that the orders given had been disregarded. These facts and circumstances are wholly responsible for the present condition of things. They are matters entirely beyond our control and for which we should not be held to account.

As a matter of fact is it not creditable to the Department that so many compliances have been obtained under such unfavorable circumstances?

#### THE BROOKLYN FIRE.

Referring to the protection against fire (page 23), Mr. Hunter charges that "one instance will show clearly what frightful results may occur where proper fire protection is not guaranteed to the workers in factories. It is the terrible instance almost directly resulting from Mr. McMackin's

failure to enforce the law, and responsibility for the deaths is fully shown by papers appended to this report of an inquisition taken at the Coroner's Court in the Borough of Brooklyn, in the city of New York, on the 29th day of February, 1904. This was the factory of the Brooklyn Chair Company, which at that time employed about fifty people. Because of inadequate fire escapes the workers on the top floor of this building were practically imprisoned, and seven of them met their death either as a result of jumping from windows or being burnt in the factory." Mr. Hunter also states that, "according to the testimony of James Dady, factory inspector, there had been no inspection whatever of this factory during Mr. McMackin's administration. The finding of the coroner censures the State Factory Department 'for failing to make a proper inspection of said building from 1899 to date of fire' (February, 1904). Commissioner McMackin's excuse for this occurrence was fully covered in his speech before the Central Federated Union in New York City on December 25, 1904. He claimed at that time that the duty of enforcing the law providing for proper fire protection in New York City did not rest upon him. The fire occurred in 1904, and this committee would like to inquire why it was that Commissioner McMackin during this year arrested and endeavored to convict ten different manufacturers in New York City for failure to provide proper fire protection, if it were not his duty to enforce these laws? The committee would also like to ask why, if it were not his duty to enforce these laws, he dismissed an inspector for two months because of his failure to inspect and to provide a better report of inspection of the Brooklyn Chair Company, where this serious loss of life occurred. But however much he may have fortified himself by legal opinions since this awful fire, he unquestionably considered it his duty at that time to enforce the provision of the Labor Law. And his failure to make even an inspection of this factory during his entire administration is rightly censured by the coroner."

At the start we deny most emphatically that we "arrested and endeavored to convict ten different manufacturers in New York City" for failure to provide fire-escapes after the court had prohibited us from enforcing the section of the Labor Law relating to fire-escapes on factory buildings in that city. (See Exhibit I.) That decision was rendered unanimously in July, 1903, by the Appellate Division of the Supreme Court, First Department, seven months before the Brooklyn fire occurred. (85 N. Y. App. Div. 355.) It was the case of the City of New York against the Sailors' Snug Harbor, which owns a factory building in University place, Manhattan Borough, upon which the Superintendent of Buildings had directed it to put a fire-escape of a particular pattern, but which it declined to do on the ground that jurisdiction over the subject was vested in the State Factory Inspector by the Labor Law. Under chapter 462, Laws of 1887, and its amendments, the Factory Inspector had exercised in New York City the power of ordering the erection of fire-escapes on factories three or more stories high, but from a still earlier period the Superintendent of Buildings of New York City exercised similar jurisdiction over all buildings, including factories in the metropolis. Moreover, the municipal authorities claimed to have *exclusive* jurisdiction in this matter within the limits of Greater New York. The court quotes as authoritative the decision in a similar case relating to fire-escapes in hotels in New York City, wherein it was held that "where it appears that the Legislature has passed an act relating to a certain subject

in a particular city, said act being in all respects more precise and far-reaching than a general act relative thereto passed subsequently but going into effect a few days earlier than the special act, the court will assume that the general act was not intended to repeal, supersede, or modify the special enactment." Applying this ruling to the two conflicting statutes (the Labor Law, being chapter 415, Laws of 1897, and the New York City charter, being chapter 378, Laws of 1897), the Appellate Division reached "the conclusion that by the general act it was not intended, in the absence of an express repeal, which in this case does not exist, to destroy the local act which had just been enacted;" declaring that "it is not reasonable to suppose that on May 4, 1897 (when the New York charter became law), the Legislature should have registered its declaration that the carefully prepared system applicable to all buildings in New York City should continue, and then on May 13, 1897 (when the Labor Law was enacted), should have meant to declare that as soon as a building code was passed this carefully worked out plan should cease to apply to one class of buildings—factories. It certainly meant to except New York City from the application of this portion of the Labor Law, since that city was already amply provided for." The court then decided that "it was the intention of the Legislature by the enactment of the local and special law to leave in the city of New York jurisdiction to the proper officer of that city over the subject of fire-escapes upon factories therein."

But to make certain that the Appellate Division had taken from the Bureau of Factory Inspection the authority to enforce the provisions of law relating to the erection of fire-escapes on factory buildings in New York City, we sought the advice of Attorney-General Cunnene respecting the precise scope of the decision, and he furnished us with an opinion, making it clear that we had no authority over the matter of fire-escapes in Greater New York, of which the Borough of Brooklyn, where the fire occurred, forms a part. (See Exhibit J.)

The fact that this legal opinion of the Attorney-General was sent to the Department on January 16, 1904, while the fire occurred on February 9, 1904, wholly disproves the following statement made by the committee (at page 26): "But however much he may have fortified himself by legal opinions since this awful fire, he unquestionably considered it his duty at that time to enforce this provision of the Labor Law."

Owing to the facts just set forth it is decidedly unjust for the Child Labor Committee to hold us accountable for the loss of life that occurred in the fire at the Brooklyn Chair Company's works. As far as this Department is concerned it could not under any circumstances have prevented the deplorable outcome of that fire, simply because it was powerless, under the unanimous decision of the Appellate Division of the Supreme Court, to order and compel the erection of fire-escapes on the building in question. We are, however, moved to make this explanation in order that the public may not be misled by any attempt to shift the responsibility for the Brooklyn fire. The coroner's jury, which found that inadequate fire-escapes had been provided and censured the Corporation Counsel and the Bureau of Factory Inspection, educed testimony which showed that the city authorities had inspected the factory and ordered fire-escapes early in 1903; that on March 25th of that year the Assistant Corporation Counsel in charge of the building department had served notice on the owner of the building that



legal proceedings would be instituted to enforce the orders of the Commissioner of Buildings; that on April 22d the proprietor advised the Assistant Corporation Counsel that he had contracted for fire-escapes, that the contractor was "getting out material for them" and would put them in place "as soon as possible." In view of this testimony, no further comment as to placing the responsibility for the lack of fire-escapes seems required. On March 1st last we suspended the deputy inspector in whose district the factory destroyed by fire was situated. While we realized the existence of extenuating circumstances in the fact that the factory was a transformed church building in a residence section of the city, we deemed it necessary for the sake of discipline to make the inspector bear the penalty for his laxity in searching out and inspecting every factory in his district, in accordance with our instructions when the Department of Labor was established.

#### THE ALLEGED INCREASE OF ACCIDENTS.

The statement of the Child Labor Committee contains (page 27) a table of accidents to factory operatives in the past four years, 2,373 in 1900 and 5,660 in 1903; these figures are not accompanied with the explanation given in the Bureau's reports that special effort has been made during the present administration to secure a better record of accidents in order that proper remedies may be devised. Instead of commending the Bureau for the improvements made in recording accidents, the committee here intimates and has elsewhere directly charged, that there has been an actual increase in the number of accidents, which has been caused by the failure of the Bureau to enforce the laws requiring the safeguarding of machinery, etc.

Of the increase in the number of *recorded* accidents, a fraction would naturally be attributed to the expansion of industry in this State in the period under review. The growth of business has been especially noteworthy in the branch of manufacturing that entails frequent accidental injuries—machine shops; for example, in 1900 the number of hands employed in the two great plants at Schenectady (the electrical and the locomotive works), was slightly under 10,000, and in 1903 it exceeded 15,000, while just outside of Buffalo a large iron and steel plant, which employed more than 5,000 men in 1903, had in the meantime begun operations. In these three factories, therefore, the number of workmen exposed to the hazards of more or less dangerous machinery doubled between 1900 and 1903, with the inevitable result of an increase in the list of accidents.

But the actual increase in the number of accidents has been comparatively small. What it amounts to no man can tell, for the reason that, with the exception of railway accidents, only a fraction of accidents to workmen are ever recorded. Thus the Bureau of Labor Statistics in 1899, before the consolidation with the Factory Department, found that at least 1,847 working people had sustained accidental injuries in New York factories in the three months of April, May and June—a number equal to 7,388 per annum, whereas the Factory Inspector in that year recorded only 1,626 accidents. The former record—7,388, which is a minimum, not a maximum\*—has not thus

\*Comparison with statistics of those European countries that record every accident under some system of general accident insurance, indicates that even this number is only a fraction of the total number of accidents. The Child Labor Committee goes so far as to state that the number of deaths and injuries in this State is probably fifteen or twenty times the number recorded. (p. 26.)

far been attained by the Department's statistics, despite the progress made since we assumed control. Upon the recommendation of the chief statistician, who has made a special study of the problem of industrial accidents, we, in 1901, undertook to secure a better record of factory accidents. The deputy inspectors were instructed to impress upon employers the necessity of reporting accidents, as required by law, and we also made provision for gathering outside information about accidents and bringing the same to the attention of those employers who failed to make report to the Bureau, in spite of the plain provisions of the law. Even at the present time, after several years of such effort, a majority of the accidents are not recorded until the Bureau has by correspondence called for the report that should have come to it unsolicited.

Until a more adequate record of the facts is secured, it will be impossible to bring home to the people a full realization of the great hazards to which factory operatives are constantly exposed and to encourage such action on the part of workmen's organizations, fraternal and charitable societies or, in the last resort the government, as will prevent or remedy the misery and distress caused by modern machinery. The efficacy of a mere record of facts has been demonstrated over and over again, a very recent instance being the general interest now manifested in Washington and the country at large in the provisions of safety appliances on railroads, which has been created almost entirely by the improved statistics of accidents, made possible by the act of Congress, March 3, 1901, and the subsequent publication, by the Interstate Commerce Commission, of a quarterly bulletin on railroad accidents. It would be most unfortunate for further advance toward the prevention and cure of accidental injuries, if the misapprehension about the increase of *recorded* accidents should result in criticism of the Department's efforts to secure adequate records, the absence of which is deplored by every person who has studied the subject.

#### DEATHS IN 1903 NOT DUE TO UNGUARDED MACHINERY.

In a table, Mr. Hunter shows from the report of the Bureau of Factory Inspection for 1903 that 149 deaths were reported to the Bureau in that year and (at page 26) he charges that "the effect of violation of the law may also be seen in the number of deaths and injuries which were reported to the Department during the year 1903."

If he had carefully consulted the report of the Bureau of Factory Inspection for 1903, he would have found that such was not the case, for that report distinctly states that of the 149 persons referred to, 12 were killed by various objects falling on them, 18 were killed by falling themselves, 7 by different kinds of explosives, 12 lost their lives by endeavoring to run belts on moving machinery, 7 on electrical wires and machinery, 16 on elevators, 12 by bursting and breaking of machinery, 7 were run over by cars and locomotives, 7 were killed by boiler explosions, 9 on circular saws, 35 were caught in moving machinery, belts, pulleys, etc., and 7 were attributable to various other causes. How then is the Department to blame for these accidents? True, 35 were killed on machinery, but what proof is there that they were killed on unguarded machinery? The detailed reports do not show it. When a machine is equipped with every possible guard and the employer has adopted all precautions known to and used by men of reasonable care and prudence, what more can he do? To make some

machines absolutely safe, so that an accident could not possibly happen, would render them useless. It often happens that workmen sustain injury because of their own negligence. Every accident to an employee, in or out of a factory, which caused disability of five hours or more, is required to be reported to the Department—bruises, cuts, falls, burns, lacerations, mashed fingers, accidents of every description are included. An ordinary business man would prefer to spend a few dollars to provide a safeguard ordered by an inspector, rather than to be made defendant in an action for thousands of dollars, and whether or not the inspectors have ordered the guard, if the accident be due to the negligence of the employer, an action for damages will lie.

#### MALICIOUSNESS OF THE APPEAL TO RACE PREJUDICE.

The most regrettable—aye, reprehensible—part of the indictment of the Chairman of the Child Labor Committee against the Department is the charge (on page 29) that "six poor Jews on the East Side of New York City were the only persons prosecuted during the entire year of 1903 for offenses of this character"—having reference to the use of dangerous machinery. (See Exhibit J.) That the chairman should so far forget himself as to make an attempt to appeal to race prejudice for the evident purpose of enlisting the sympathy in the crusade against the Department of an honored, honorable and progressive people, who have done so much toward promoting the interests of the State and especially toward the advancement of the working people, is indeed beyond the comprehension of right-thinking men. We are almost inclined to refrain from being a party to this malevolent feature of the controversy, but as the charge is baseless and calls for a reply, we are constrained to give it notice in passing.

In connection with this charge Mr. Hunter says: "This committee is unwilling to believe that the Commissioner has for one reason or another permitted large employers to violate the law while selecting only smaller and weaker business men for punishment. There seems to be a slight foundation for such belief, in the fact that, although, according to the Department itself, a very large proportion of disabling accidents occur in less than a half dozen large factories in the State, not a single large employer has been punished or fined during the year on the ground of having dangerous or unguarded machinery."

The statement that this Department has singled out small manufacturers or those of any particular race in its endeavors to enforce the laws is a perversion of the facts. It, therefore, seems needless to say that on no occasion have we recognized either race, creed or color in administering the duties of the office, and we stamp the accusation as untrue and malicious. The truth is (as will be seen by reference to Exhibit K), that only two of the firms alluded to by the committee were located in what is generally termed the lower East Side of New York City. Whether or not any of these six concerns were of the Jewish faith we do not profess to know, but it is a matter of record that one of them is classed with the largest manufacturers in New York City. It has two establishments, one being in Fifth avenue, the other in East Thirty-second street; it is rated at \$1,000,000 by a commercial agency, and in 1903 employed 152 workmen. The others employed from 5 to 35 persons and were rated at from \$3,000 to \$5,000 by the same agency.

## CHILD LABOR PROSECUTIONS IN 1904.

In the fiscal year ended with September, 1904, the Department prosecuted 22 cases for violations of the Child Labor Law. These cases involved 15 firms, and a brief court record of each case is herewith submitted and marked Exhibit L. These prosecutions were conducted by deputy factory inspectors, men without any special legal training.

Out of these 22 cases there were only 10 convictions, although the complaints were properly drawn and every effort was made to convict the offenders. The small number of convictions demonstrates that there is a disposition on the part of some of the courts to deal leniently with violators of this law. For instance, one magistrate, who tried the case of a girl under 16 years of age without a certificate, declared that the offense was a mere technical violation, and the defendant was acquitted. This non-coöperation on the part of some magistrates has been very discouraging to this Department in its efforts to enforce the Child Labor Law through prosecutions. Only recently ten cases were dismissed in New York City courts for similar reasons. In seven of these latter cases, which were tried in the Borough of the Bronx, subsequent to the issuance of the summons and prior to the arraignment of the defendant in court the children had filed with the employer the required certificates of the Board of Health, and the magistrate, while considering the defendant guilty, stated that the offense was merely a technical violation and dismissed the cases. Our court record book shows that in very few instances has a fine to exceed \$25 been imposed, and, often where a defendant has pleaded guilty, sentence has been suspended. In other cases, which were considered good ones, the suits were thrown out of court without even according the deputy inspectors a hearing. We recall one case particularly, where the defendant, after failing on three separate occasions to make his appearance in court, and where his bonds had been ordered estreated, was finally brought to court and allowed to plead guilty and sentence was suspended.

But there is another phase of the subject to which your attention is particularly invited. It took no less than 62 full days' attendance in court to prosecute these 22 cases, not to mention the great amount of additional time consumed in preparing them for trial—such as the drawing up of complaints, applying for warrants, securing witnesses, and various other legal details that must be pursued before violators can be taken into court. The statistics showing the number of orders and compliances in all child labor cases during the past fiscal year are not available, the tables containing such information being now in course of preparation to be presented to the present Legislature; but as an illustrative example it is fair to consider the figures that appear in the report for 1903. In that year orders were given in 2,803 factories for the discharge of children who were illegally employed, and in 2,795 of these cases the Department obtained full compliance with the law, while 13 firms were prosecuted for wilfully violating the act and 9 were convicted. The orders referred to were for the discharge of children under 14 years of age in 293 establishments, 292 compliances being obtained; discharge of illiterate children under 16 years of age in 107 establishments, 107 compliances obtained; discharge of children under 16 years of age without certificates in 2,403 establishments, 2,396 compliances obtained.

We have shown that a total of 62 days were spent in court by the Department in prosecuting the 22 cases, involving the 15 firms against whom pro-

ceedings were instituted last year. This would be an average of four days for each concern—and, this average is, indeed, a most moderate one, as may be judged by a case of recent date. On December 2, 1904, it came to the notice of our New York office that the Child Labor Law was being violated at the Poyet candy factory in West 38th street and by Reed & Keller in West 25th street, New York. As these were second offenses, prosecutions were ordered. On December 5th two deputy factory inspectors began to gather the necessary evidence. After dismissing the children an investigation disclosed that three addresses given to the inspectors were fictitious. This necessitated considerable searching, and it was not until December 9th that the summonses were procured. In all 6 days were consumed by each deputy in disposing of these cases.

The law permits children between 14 and 16 years of age to work when certificates are issued by boards of health. These are called "manufacturing certificates and are good in factories, while mercantile certificates" are good in stores. The qualifications of the child for obtaining either certificate are the same. Many children were employed in factories in 1903 with "mercantile certificates." Others convinced the inspectors that they had their certificates at home. Yet these different classes were reported as under 16 and the children ordered discharged, thus helping to materially swell the total of apparent violations in the 2,803 factories. Now, then, if the Department undertook (as the Child Labor Committee evidently would desire) to prosecute the entire 2,803 concerns cited (although the most of them had complied with the law, and prosecution in those cases would have resolved itself into persecution), allowing four days for each case, there would have been a total of 11,212 days consumed by the Department to thus enforce the provisions of the statute relating to the employment of children. By apportioning these cases equally among thirty-seven deputy factory inspectors, each inspector would have used 303 days of his or her time on child labor cases alone. Other work of the Department would, in consequence, have been wholly neglected. In the meanwhile, for instance, what would have become of the enforcement of the acts relating to sanitation and safety of workshops and factories? Life and limb of work people would have been unprotected and their health would otherwise have been imperilled. Neither could we have given any attention to the inspection of tenement workrooms.

#### INSPECTORS POSSESS RECORDS OF PREVIOUS VIOLATIONS OF THE CHILD LABOR LAW.

Chairman Hunter charges (at page 16) :

"A factory is inspected, and several children are found in violation of the law, and they are discharged. They may return on the following day and go to work again, as in most cases there is no reinspection to see whether or not the children do return. The following year another inspection is made of the same factory, and again several children are found illegally employed. A year passes by, and during all this time the children have suffered, but the inspector, unless he should by the merest chance be the same one who inspected the factory the year before, will not know that this is a second offence, and the Department pursues no systematic re-examination of the records to determine whether or not it is a second offense."

In reply to the foregoing, we wish to state that each deputy factory inspector attached to the sub-office in New York, has had at all times in his

or her possession a complete list of the names and addresses of firms from whose establishments children were dismissed during 1903 and 1904. The inspectors have this list whether or not they worked in the district in the preceding year.

The inspectors assigned to up-State districts—and these men cover the same territory each year—retain the original inspection books, from which their regular reports are prepared. In covering their respective districts it is necessary for them to refer to the inspection books used during prior official visits, so that they have in their possession a full record of any previous violations of the Labor Law, including the article relating to child labor.

#### FORCE OF DEPUTY FACTORY INSPECTORS 26 PER CENT. LESS THAN IT WAS IN 1900.

In this connection it is pertinent to state that the Legislature of 1899, owing to the rapid increase of factories and factory employees, increased the number of deputy factory inspectors from 36 to 50 and appropriated the necessary funds in that year, as well as in 1900, to pay their salaries and traveling expenses. But, in 1901, when the Department of Labor was created, the Legislature provided, and every year since then it has provided, for the payment of salaries and expenses of only 37 deputy factory inspectors, although the productive industries of the State have largely increased and new statutes have been added to the long list required to be enforced by the Department. This reduction in the field force has amounted to 26 per cent and as a consequence we have been greatly handicapped in our work. We have repeatedly asked that provision be made for the restoration of the full quota of deputy factory inspectors, but the requests have not been heeded. Equip the Department with a fully sufficient field force and the effectiveness of its work in every direction will be assured.

For a long time the working people of the State have realized the necessity for a larger force of inspectors, and in 1904 the Executive Board of the Workingmen's Federation of the State of New York, in its annual report, which appeared subsequently to the passage of the amended act regulating tenement manufacture, declared that this statute, which enlarges the powers of the Department was "*an eloquent plea for a proper force of inspectors, which the State now lacks.*" The Executive Board then made this appeal—"*Organized Labor of the State should demand that this Department be completely equipped for the carrying out of the work the law intends this Department to do.*"

And, last September at its yearly convention held in Elmira, the Workingmen's Federation of the State of New York adopted the following resolution:

"*Resolved: That we demand that the law in regard to the appointment of fifty factory inspectors be enforced and the full number be kept in the field at all times. And we further demand that the appropriation for the support of the Department of Labor be increased so that the fifty inspectors appointed can be kept in the field at all times.*"

#### NEED OF A SPECIAL ATTORNEY.

• In the annual report for 1903 on factory inspection, we directed attention to the need of a special attorney to take charge of the legal business of the

Department and made to the Legislature the following recommendation, which was not acted upon:

"That provision be made to enable the Department to secure the services of a competent attorney who shall have charge of all cases brought by the Bureau against those who violate the law. The time lost by our inspectors is a considerable item, and the unsatisfactory results are attributable, to a great extent, to the fact that our officers lack the training and the legal knowledge requisite to the successful conduct of prosecutions. Therefore, in the interest of efficient service, this recommendation is earnestly pressed."

#### CONCLUSION.

We have shown—

1. That "child slavery" does not exist in this State, as charged; that in 1903 the proportion of children under 16 years of age at work in factories was only 20 to each 1,000 operatives.

2. That we can not specialize in our duties; that the immense volume of work the statutes require the Department to perform can not be done in a manner satisfactory to all interests with our present inadequate field force, which is 26 per cent less than it was in 1900.

3. That the Child Labor Committee did not apprise us of the alleged violations in the canning industry, which was visited by its representatives at a time when our entire field force was stationed in New York city investigating numerous complaints made by labor organizations relative to violations on public contracts of the Eight Hour and Alien Labor Laws; that at the time the inquiry was being pursued in the canning centre, and in fact for several months thereafter, the committee continued to file complaints at our New York sub-office; that if complaints regarding the alleged violations in the canning factories had been sent to the Department by the committee they would have received instant attention, the same as in New York city, where compliances were obtained.

4. That every child employed by the Chelsea Jute Mills has on file in the office of that company, either a Board of Health certificate or an affidavit made by one of its parents; that the Attorney-General holds that if an employer has on file a Board of Health certificate he is absolutely protected in the employment of the child to whom it belongs; that if a child is employed on the strength of a parent's sworn statement that it is over 16 years of age, we can not successfully prosecute in cases where children are of foreign birth; that, therefore, the apparently bad condition in respect to the employment of children in the Chelsea Jute Mills can not be charged to the failure of this Department to perform its duty.

5. That the Department repeatedly but unsuccessfully sought the coöperation of the Assistant District Attorney assigned by District Attorney Jerome to take charge of our legal business in New York county.

6. That conditions do not warrant a comparison of the work in New York with that in Illinois.

7. That a large proportion of the 50,572 violations of law during 1903 were of an administrative character and were complied with in the presence of our inspectors; that re-inspections are made in urgent cases; that an insufficient field force prevents a greater number of re-inspections; that the committee unfairly compared the work of 1903 with that of 1901, the report for which year covered a period of only ten months, when the Department was in a formative state.

8. That inasmuch as the courts had prohibited us from ordering the erection of fire escapes on factory buildings in Greater New York we were not responsible, as charged, for the loss of life by fire in the factory of the Brooklyn Chair Company.

9. That our improved methods of obtaining accident statistics accounts for an apparent increase of recorded accidents.

10. That the 149 deaths reported in 1903 were not due to unguarded machinery.

11. That the Department has not, in its prosecutions, discriminated in favor of large manufacturers nor against the members of any particular race or creed.

12. That we have obtained compliances in all cases called to our attention of violations of the Child Labor Law; that in the event of a second offense manufacturers are prosecuted; that the small number of convictions in child labor cases indicates that there is a disposition on the part of some magistrates to deal leniently with violators of the law, these magistrates considering such violations of a technical nature.

13. That our inspectors possess records of previous violations of the Child Labor Law.

14. That there is need for a special attorney to take charge of the Department's legal business.

In conclusion we wish to emphasize the fact that the Department has done its best to enforce all the laws that have come within its province, and if the Child Labor Committee had reported to us the alleged violations the same as the Labor Unions do, the Department would have dealt with them instantly, and there would not have been any cause for complaint.

Respectfully submitted,

JOHN McMACKIN,

*Commissioner of Labor.*

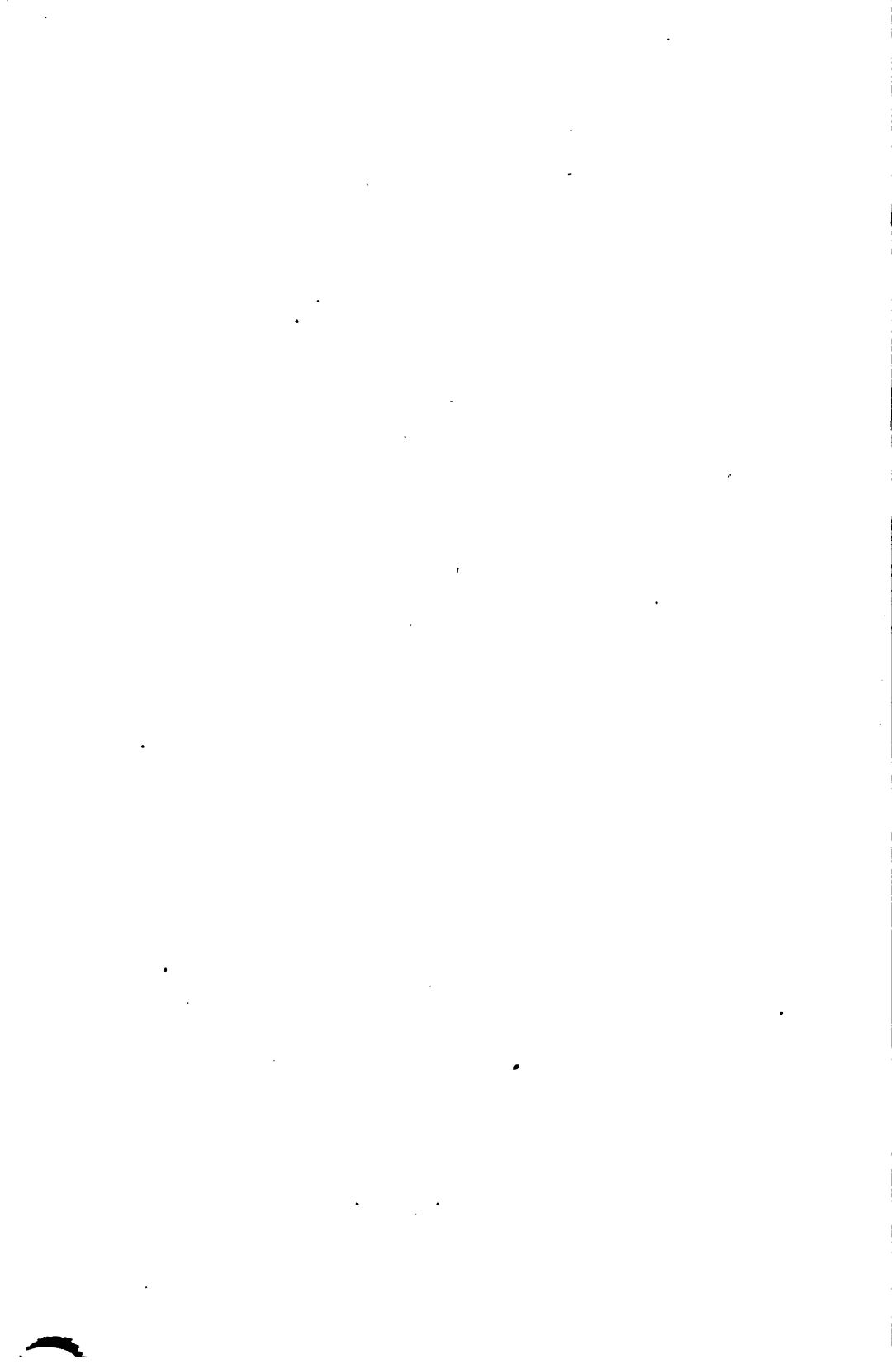




## PART II

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Report of Board of Mediation and  
Arbitration



NEW YORK STATE DEPARTMENT OF LABOR.

## EIGHTEENTH ANNUAL REPORT

OF THE

# BOARD OF MEDIATION AND ARBITRATION

FOR TWELVE MONTHS ENDED SEPTEMBER 30,

1904.

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TRANSMITTED TO THE LEGISLATURE APRIL 17, 1905, AS PART II OF THE  
FOURTH ANNUAL REPORT OF THE DEPARTMENT OF LABOR.

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ALBANY  
BRANDOW PRINTING COMPANY  
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1905

New York State Board of Mediation and Arbitration.

JOHN McMACKIN, *Commissioner of Labor,*

JOHN WILLIAMS, *First Deputy Commissioner,*

JOHN LUNDRIGAN, *Second Deputy Commissioner.*

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RICHARD GILLEBLAND. *Mediator of Industrial Disputes.*

# STATE OF NEW YORK.

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No. 62 B.

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## IN ASSEMBLY,

APRIL 17, 1905.

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EIGHTEENTH ANNUAL REPORT

OF THE

BOARD OF MEDIATION AND ARBITRATION.

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STATE OF NEW YORK,

DEPARTMENT OF LABOR,

ALBANY, April 17, 1905.

*To the Speaker of the Assembly:*

SIR.—In accordance with the provisions of chapter 9 of the Laws of 1901 and article 10 of chapter 415 of the Laws of 1897, I herewith transmit to the Legislature, as part of the fourth annual report of the Department of Labor, the report of the Bureau of Mediation and Arbitration for the twelve months ended September 30, 1904, constituting the eighteenth annual report of the State Board of Mediation and Arbitration.

Yours very respectfully,

JOHN McMACKIN,

*Commissioner.*



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## I.

### MEDIATION AND ARBITRATION.

The number of labor disputes in the fiscal year 1904 (124) was below the average, but in magnitude they surpassed any other recent year except 1903. The number of employees directly concerned in the disputes of 1904 was 57,308 as compared with 22,000 in 1901, 34,000 in 1902 and 100,000 in 1903; but last year the number of workers who without being active participants in disputes were thrown out of work thereby greatly exceeded such number in 1903, so that the total number of workers directly and indirectly involved in the disputes of 1904 (108,533) fell little short of that of the previous year (118,391). The total amount of working time lost as a consequence of disputes in 1904 was likewise nearly as large as in 1903.

Only one formal request came to the Board for its intervention in a dispute, despite the fact that it offered its services in substantially all of the disputes that came under its notice. In seven other cases the Board on its own initiative undertook to effect an adjustment of differences between employers and employees. The result of its mediation in the eight disputes was as follows:

**JANUARY 1.** Albany livery employees, 100 involved. Mediator of Industrial Disputes Gilleland arranged for a conference, but employees failed to appoint conference committee. Other efforts of Board unsuccessful and dispute was finally settled March 7 by representatives of the union and the employers' association. (For additional particulars, see page 79, *post.*)

**JANUARY 5.** Buffalo electrical workers numbering 100. Deputy Commissioner Lundrigan interviewed both parties separately, but they would make no concessions and dispute was not settled until March 18, at a conference between representatives of the union and the employers' association. (Additional particulars page 61.)

**APRIL 1.** Newburgh carpenters numbering 150. Mediator Gilleland in interviews held on April 4-5 recommended conferences. Dispute settled at a conference April 14 between representatives of the union and the employers' association. (Additional particulars page 66.)

**APRIL 1.** Newburgh painters numbering 100. Mediator Gilleland recommended conferences. Dispute adjusted April 20 through conference of employers and union. (Additional particulars page 66.)

**MAY 2.** Buffalo masons, numbering 400. Deputy Commissioner Lundrigan arranged a conference between committees of employers and employees, which failed to reach a settlement and strikers returned to work under old conditions June 15. (Additional particulars page 63.)

**MAY 2.** New York carriage and wagon workers numbering 2,800. Mediator Gilleland unable to arrange a conference owing to refusal of employers. Dispute terminated June 11. (Additional particulars page 91.)

**MAY 18.** New York harbor freight handlers numbering 1,000. Deputy Commissioner interviewed both parties May 21, but could not adjust the dispute. Strikers returned to work May 31 under former conditions. (Additional particulars page 87.)

**JUNE 15.** Cohoes team drivers numbering 50. Deputy Commissioner Lundrigan arranged a conference on application of the men's union. Settlement effected June 18. (Additional particulars page 83.)

From the foregoing statement it will be seen that the Bureau succeeded in adjusting one of these disputes and contributed to the settlement ultimately reached in two other difficulties. In a fourth case the conference arranged by the Board failed to result in a settlement and in the remaining four disputes the Board was unable to arrange any conference at all between the employer and the employed.

The number and magnitude of disputes caused by demands for higher wages or shorter hours of labor did not assume the relative importance of previous years, while proposed reductions in wages involved more wage earners than did proposed advances. The leading cause of strikes and lockout in 1904, however, was the method of bargaining itself rather than the terms of the bargain. "Recognition of the union," in general, or of some particular union as against another union, abolition of the sympathetic strike, the employment of union men only, and similar questions regarded by one side or the other to be of fundamental importance led all other causes of dispute in 1904. The employers, who have but lately formed trade associations for united action along parallel lines with the trade unions, won the great majority of such dis-

putes, and especially the larger ones. In the leading manufacturing industry of New York City—the clothing industry—the associated employers successfully carried out their resolution to do away with the so-called “closed shop,” but the garment makers’ unions were not destroyed. Experience alone will tell whether they can maintain their existence with the joint trade agreement no longer in force.

Of all the disputes in 1904 the employers won 64, lost 26 and compromised 34. A majority of the compromises were partial victories for the workmen as they occurred in disputes for higher wages or shorter hours, but on the whole it is clear that the workmen did not make the substantial gains to which they were accustomed in previous years.



## II.

### STATISTICS OF STRIKES AND LOCKOUTS.

In the year ended September 30, 1904, the Bureau of Mediation and Arbitration compiled reports of 124 labor disputes, including in that term both strikes and lockouts in the ordinary sense of the words. The record does not of course include the innumerable petty disputes in individual factories, for the Bureau makes no attempt to obtain information of strikes in which fewer than ten employees are involved, save in the exceptional cases when such small disputes continue for weeks or months. Last year's record includes one dispute involving fewer than 10 employees, 21 involving 10 but less than 20 employees, 30 involving from 20 to 49, 25 from 50 to 99, 18 from 100 to 199, 12 from 200 to 499, and 17 more than 500 employees each.\*

The total number of employees actively concerned in the 124 disputes was 57,308, while the number thrown out of work by reason of the cessation of operations was nearly as large (51,225). The aggregate number of work days lost by all employees was 3,500,000, which is larger than the number in any of the preceding years for which similar records exist, with the exception of 1903:

#### INDUSTRIAL DISPUTES IN NEW YORK, 1901-1904.

YEAR ENDED SEPT 30.—	Number.	No. of EMPLOYEES—			DURATION: NUMBER OF WORK- ING DAYS LOST.		
		Directly concerned.	Indirectly involved.	Affected directly or indirectly.	Directly.	Indirectly.	Total.
1901 (9 mos.)..	126	22,097	22,846	44,943	497,596	317,501	815,097
1902.....	142	34,389	3,681	38,070	502,774	70,511	573,285
1903.....	202	100,133	18,258	118,391	3,473,091	685,653	4,158,744
1904.....	124	57,308	51,225	108,533	1,840,554	1,658,907	3,499,461

\* The following table exhibits at once the duration of, and number of employees involved in, the disputes of 1904:

EMPLOYEES.	2 days or less.	3-4 days.	5-7 days.	8-14 days.	15-21 days.	22-30 days.	31-60 days.	61-90 days.	91-120 days.	120+ days.	Total
1-9.....								1			1
10-19.....	7	2	3	4	1		3			1	21
20-49.....	5	5	6	4	2	3	3	1	1		30
50-99.....		4	5	4	3	2	4	1		2	25
100-199.....	1	2		4		1	8	2			18
200-499.....	2	1	3	2	1		2	1			12
500+.....	1	1		4		2	5	1		3	17
Total.....	16	15	17	22	7	8	25	7	1	6	124



In these statistics each year is credited with the disputes *begun* in that year; hence the great dispute in the New York building industry which began in May, 1903, and continued a full year in a few trades is entirely credited to the year 1903. If the time lost in that dispute subsequent to October 1, 1903, had been credited to the fiscal year 1904, in which it occurred, the past year's record for duration of labor disputes would probably have been worse than that of 1903.

A noteworthy feature of the figures for 1904 is the prominence assumed by the indirect effect of disputes. While the number of employees directly concerned was little more than one-half as large as in 1903, the number indirectly involved and the consequent loss of employment on their part was much larger than ever before. In four of the five principal disputes of the year, in fact, the time lost by those indirectly affected exceeded that lost by the active participants; as may be observed in the table on the opposite page.

The principal dispute of the year was that undertaken by the garment workers of New York City upon the posting of "open shop" notices by their employers in June; at the end of seven weeks the employees returned to work under the "open shop" policy. Just before this dispute began, there had terminated a strike of the masters and pilots' union, which had effectually tied up navigation on the Great Lakes from the opening of the season to the middle of June; this strike, also concerned with the establishment of a "closed shop" policy, resulted in the entire defeat and disruption of the union. Still earlier in the year the bricklayers' helpers in New York City had struck against a change in their working schedule and for subsequent recognition of their union and, with the bricklayers, were idle for a month before terms of agreement were arrived at. In August a number of the building trades (including carpenters, electrical workers, tilelayers, etc.) were involved in a dispute that is still unsettled; while some of the workmen have had employment from contractors outside of the employers' organization, the estimated amount of lost time is very large, even to the end of September.

These four disputes involved, directly or indirectly upwards of 10,000 workers. None of the others affected as many as 5,000 employees; but several, owing to their long continuation, caused a

## PRINCIPAL LABOR DISPUTES OF 1904.

Locality.	Trades. (Trades affected indirectly are italicized.)	Date.	Duration, weeks.	NUMBER OF EMPLOYEES CONCERNED.			ESTIMATED DAYS OF WORK LOST BY EMPLOYEES.		
				Directly.	Indirectly.	Total.	Directly concerned.	Indirectly affected.	Total.
1. New York City.....	Clothing cutters, tailors and garment makers.....	June 21-Aug. 6.....	6†	11,632	25,000	36,632	389,250	500,000	889,250
2. Buffalo.....	Masters, pilots and seamen.....	April 25-June 15.....	7†	1,000	10,000	11,000	45,000	460,000	495,000
3. New York City.....	Bricklayers, laborers, bricklayers, other building trades.....	March 4-April 6.....	4†	9,900	8,459	18,359	267,180	211,516	478,696
4. New York City.....	Carpenters, electricians, plasterers, plumbers, etc., and laborers.....	Aug. 8-.....	*	11,282	1,778	13,010	400,000	50,000	450,000
5. Gloversville.....	Table glove cutters and other glove workers.....	Dec. 21, '03-June 28..	27†	600	2,000	2,600	90,000	300,000	390,000
6. New York City.....	Asphalt workers and engineers, stone cutters, pavers and teamsters.....	April 5-Feb. 28, '05..	46†	500	500	1,000	92,000	92,000	184,000
7. New York City.....	Carriage and wagon workers.....	May 2-June 11.....	6	2,800	.....	2,800	96,200	.....	96,200
8. New York City, Buffalo and Rochester.....	Boiler makers and iron ship builders and helpers.....	May 4-Aug. 6.....	13†	1,400	.....	1,400	80,000	.....	80,000
9. New York City, Buffalo and Rochester.....	Lithographers, paper cutters and press feeders.....	March 17-April 20...	5	2,118	.....	2,118	63,540	.....	63,540
10. New York City.....	Marine firemen, oilers, water tenders, and coal passers.....	June 8-July 23.....	6†	1,200	.....	1,200	48,000	.....	48,000
11. New York City.....	Butcher workmen, etc.....	July 18-Sept. 6.....	8	1,018	.....	1,018	35,322	.....	35,322
12. Rochester.....	Clothing cutters and trimmers.....	Oct. 12-Dec. 31, '03..	11†	400	.....	400	28,000	.....	28,000
13. Buffalo.....	Bricklayers and other building trades	June 2-23.....	3†	350	1,000	1,350	6,650	19,000	25,650
14. New York City.....	Silk ribbon weavers, winders, warpers, spoolers, finishers, etc.....	June 4-July 31.....	8†	180	160	340	8,820	7,840	16,660
15. Buffalo.....	Stone masons and laborers.....	May 2-June 15.....	6†	200	200	400	7,800	7,800	15,600
16. New York City.....	Freight handlers and warehouse men.....	May 18-31.....	2	1,000	.....	1,000	12,000	.....	12,000
17. Rochester.....	Carriage and wagon workers.....	March 14-May 20.....	9†	265	.....	265	10,000	.....	10,000
18. Rochester.....	Shoe heel makers.....	Oct. 12, '03-May 28..	33	78	.....	78	10,000	.....	10,000

\*Still pending; time lost is calculated to Sept. 30.

large loss of employment. Chief among these was the disastrous strike of 600 glove cutters in Fulton county against the "open shop," which lasted from December 21, 1903, to June 28, 1904. Still more prolonged was the dispute of 500 asphalt workers in New York City and that of 78 shoe workers in Rochester. Full particulars of these and the other principal eighteen disputes will be found in Chapter III.

The following table shows the—

DISPUTES IN 1904, BY INDUSTRIES.

INDUSTRY.	Number of disputes.	NUMBER OF EMPLOYEES.			Duration in working days.
		Directly concerned.	Indirectly affected.	Total.	
1. Stone and clay products.....	2	510	.....	510	5,070
2. Metals, machinery, etc.....	24	7,588	927	8,515	242,449
3. Wood manufactures.....	3	114	5	119	825
4. Leather and rubber goods.....	6	794	2,005	2,799	401,815
5. Chemicals oils, etc.....	1	75	.....	75	525
6. Paper and pulp.....	5	485	.....	485	3,099
7. Printing.....	5	2,228	.....	2,228	68,429
8. Textiles.....	9	361	170	531	17,528
9. Clothing, millinery, etc.....	8	12,483	25,140	37,623	930,517
10. Food, tobacco and liquors.....	7	1,250	13	1,263	43,866
11. Building industry.....	40	25,269	12,285	37,554	1,209,574
12. Transportation and communication.....	14	6,151	10,680	16,831	575,764
Total.....	124	57,308	51,225	108,533	3,499,461

While the largest single dispute of the year was in the clothing industry, there were two extensive protracted disputes in the building industry, in consequence of which that business as usual takes the lead in amount of time lost through disputes. But building mechanics never work steadily throughout the year and a considerable part of the time lost in one period is made up by more ample employment in a later period. Workers in freight transportation also appear prominently in the table. The fourth largest number of employees involved was in the metal trades, but the time lost therein was considerably under that lost in the leather trades, owing to the duration of the glove cutters' dispute through more than six months.

There were six disputes that lasted upwards of twenty weeks, 8 between 10 and 20 weeks; 25 from 5 to 10 weeks (31-60 days); 8 from 22 to 30 days; 7 from 15 to 21 days; 22 from 8 to 14 days; 17, 5-7 days; 15, 3-4 days and 16, 2 days or less (page 13).

## CAUSES AND RESULTS OF DISPUTES.

Tables III, IV and VI at the end of this chapter show the causes and results of disputes in the several industries and in the various localities. A summary of Table III is given below:

CAUSE OR OBJECT.	NUMBER OF DISPUTES AND EMPLOYEES DIRECTLY CONCERNED.			TOTAL NUMBER OF		
	Won by Employers.	Won by Workmen.	Compromised.	Disputes.	Employees directly concerned.	Day's work lost by those directly concerned.
Increase of wages.....	(26) 2,728	(9) 2,697	(16) 4,760	49	10,065	226,001
Reduction of wages.....	(7) 885		(5) 10,294	12	11,179	292,969
Reduction of hours.....	(4) 666	(2) 30	(3) 377	9	1,063	43,396
Longer hours.....	(2) 74			2	74	520
Trade unionism.....	(10) 15,872	(8) 387	(6) 1,540	30	17,628	703,730
Employment of particular persons.....	(3) 96	(1) 300		4	396	1,628
Working arrangements.....	(4) 1,361	(1) 12	(1) 150	6	1,523	54,868
Payment of wages.....		(2) 95		2	95	206
Sympathetic.....	(3) 1,618			3	1,618	44,472
Miscellaneous.....	(1) 30	(3) 294	(3) 13,363	7	13,627	471,865
Total.....	(64) 23,330	(26) 3,656	(34) 30,333	124	57,308	1,840,554

While demands for higher wages brought on more disputes than other causes in 1904 as in preceding years, these were mostly small affairs, participated in by only 10,085 of the 57,308 persons directly concerned in disputes. In fact, disputes brought on by proposed reductions in wages involved a larger number of workers (11,179) and caused greater loss of employment (292,969 days). But the principal cause of disputes in 1904 was the mode of bargaining itself, which arose from the refusal of various employers to renew or enter into agreements with bodies of employees; 17,628 employees were concerned in disputes of this class and they lost 703,730 days of work. There was a notable diminution of strikes for shorter hours of work, whereas the proposed lengthening of the work-day for the first time in years appears as a cause of contention. Under "miscellaneous" or mixed causes is classified the New York City building trades' lockout beginning August 8.

The results of disputes as tabulated in Table IV were as follows:

	Number of disputes.	Establishments.	Strikers.	Working days lost by employees directly concerned.
Won by employers.....	64	251	23,320	821,507
Won by employees.....	26	77	3,655	18,556
Compromised.....	34	474	30,333	1,000,431
Total.....	124	802	57,308	1,840,554

Comparatively few of the strikers won their contests completely, but while many were defeated the majority made some gain through compromise, which ended the more important disputes. While the table mentioned reveals the results for each industry, it is of greater interest to consider the results in connection with causes, as tabulated in Table III.

*Demands for Increased Wages.*—The manufacturing industries most affected by strikes for higher wages in 1904 were the vehicle and iron and steel industries; but of the ten disputes in those industries none was entirely successful. The employers won five of the smaller disputes and compromised the remaining five, including the more important ones. In other manufacturing industries the number of strikes for higher wages was small and their significance smaller still. In transportation, however, there were nine strikes in which 3,700 employees were concerned; six of these were lost, but the largest one—that of livery stable employees in New York City—was won. In the building trades 1,700 workmen struck for higher wages and 762 were successful, 488 partially successful and 453 unsuccessful. The gains were largely in New York City.

*Reduction of Wages.*—With one or two exceptions, the disputes precipitated by the refusal of employees to accept a reduction in wages proposed by their employers were of minor importance. The case of the bricklayers' helpers in New York City, which accounted for 9,900 of the 11,179 strikers in this class, was complicated by counter demands such as request for recognition of the union. On that account the final result is accounted a compromise, but in resisting the proposed reduction of wages, the workmen were successful. In four disputes, the workmen secured a compromise of the reduction proposed by the employer.

*Reduction of Hours.*—Of 1,083 workmen who struck for shorter hours of work, 656 failed completely, 397 obtained partial success and only 30 complete success. The largest dispute in this class was that of 400 clothing cutters in Rochester for the eight-hour day already enforced in their trade in New York City and other centers. This strike is nominally in existence yet, but the strikers' places were substantially all filled by the end of the year 1903. The Rochester carriage and wagon workers, on the other hand, were partially successful in their demand.

An echo of the cutters' strike of 1903 is seen in the strike of nineteen cutters in June, 1904, against the restoration of the nine-hour schedule in a factory that had accepted the eight-hour day. The other strike against longer hours was one of 55 hod carriers in Syracuse.

*Trade Unionism.*—Methods of bargaining as previously suggested, caused more trouble between employers and workmen in 1904 than any other difference of opinion of the 30 disputes under this head; the employers won sixteen, the workmen eight and the remaining six were compromised. The sixteen disputes won by the employers, however, include all the more important ones, while those won by employees were small affairs, mostly in the building trades. The largest strike of the year, that of the New York clothing trades, turned on the question of the open shop and was lost by the workmen. The same may be said of the glove makers' strike in Fulton county, and the boiler makers' strike in New York City. But the strike of the asphalt workers in New York City for recognition was in part successful.

*Working Arrangements, Etc.*—Of the four strikes against the employment of particular persons involving 396 employees, the principal one (300 paper makers in Glens Falls) was won by the men. Disputes about working rules involved 1,523, of whom 1,200 were marine firemen employed on steamers sailing from New York. That strike and most of the others were lost. Two minor strikes to enforce payment of wages were won by the workmen.

*Sympathetic and Various.*—Three strikes are classed as sympathetic—that of 1,018 butchers in New York City, in sympathy with the Chicago butcher workmen; that of 350 bricklayers in Buffalo, who refused to lay brick on concrete, to show their sympathy with the stone masons on strike; that of 250 shipbuilders in Buffalo. The three disputes were lost by the workmen.

Of the seven disputes classed under the head of miscellaneous or mixed causes, the only important ones were those in the lithographic trades (compromised) and in the building trades of New York City, which is still pending.

## MODE OF SETTLEMENT.

Table V shows how disputes were settled in each industry and may be summarized as follows:

SETTLED BY—	Number of disputes.	Number of employees affected
		(directly and indirectly).
Direct negotiations.....	56	11,854
Strikers' return to work on employer's terms.....	29	60,134
Replacement of striking employees.....	31	2,083
Mediation or conciliation.....	4	2,712
Arbitration of trade boards.....	1	18,359
Arbitration of individuals.....	1	300
No settlement.....	2	13,091
Total.....	124	108,533

While a majority of the disputes were settled by direct negotiations between the disputants, the number of employees affected by such adjustment was smaller than the number that returned to work on the employer's terms. Many disputes ended by the replacement of employees with new hands, but these were almost all small affairs. One of the large disputes (that of the bricklayers' helpers in New York City) was submitted to the arbitration of a trade board and a second one (that of 300 paper makers in Glens Falls) to the arbitration of a committee of three pastors of local churches. Four disputes are set down as influenced by mediation or conciliation; these were the general lithographic dispute, in which the National Civic Federation arranged successful conferences; the strike of 500 iron miners at Lyon Mountain, declared off through the mediation of a local pastor, the strike of the Cohoes teamsters brought to an end by a member of the State Board of Arbitration, and that of Newburgh street railway employees adjusted by a local member of the State Railroad Commission.

## LOCALITIES IN WHICH DISPUTES TOOK PLACE.

The final table (VI) exhibits the total number of disputes, with causes and results, in each city and village of the state. The localities principally affected were the following:

	Disputes	EMPLOYEES AFFECTED		AGGREGATE DURATION: WORK DAYS LOST BY THOSE		Total
		Directly	Indirectly	Directly concerned	Indirectly affected	
The State.....	124	57,308	51,225	1,840,554	1,658,907	3,499,461
New York City.....	42	46,600	36,080	1,499,849	866,090	2,365,939
Buffalo.....	12	2,380	12,228	85,323	485,840	571,163
Gloversville and Johnstown.....	1	600	2,000	90,060	300,000	390,000
New York, Buffalo and Rochester.....	1	2,118	.....	63,540	.....	63,540
Rochester.....	8	1,021	.....	55,188	.....	55,188

As usual the vast majority of the persons engaged in labor disputes are New York City workers. In Buffalo there was not a large number of active participants in disputes, but an unusual number affected. The only minor industrial center that ranked among the large cities in 1904 was Fulton county, which experienced another disastrous dispute in its industrial mainstay,—the glove industry. In no other locality than the above-mentioned was there as many as 1,000 workers involved in disputes last year, and in none did the amount of lost time exceed 10,000 work days.



TABLE I.—DETAILED STATEMENT OF DISPUTES RE

ESTABLISHMENTS INVOLVED.			EMPLOYEES.				DURA		
LOCALITY AND INDUSTRY.	No.	Closed.	Total No.	Occupation.	NUMBER INVOLVED.			Date.	Days.
					Di-rectly.	Indi-rectly.	Total		
I. STONE AND									
BINNEWATER AND									
EDDYVILLE.									
Cement works.....	2	2	500	Cement workers.....	500		500	Nov. 2-12, '03	10
EDDYVILLE.									
Cement works.....	1		10	Stevadores.....	10		10	Mar. 31-	7
				* Others.....				April 7	
II. METALS, MACHINERY									
1-2 Metal									
NEW YORK CITY.									
Diamond cutting.....	1	1	30	Cutters, polishers, setters	30		30	Aug. 22-Sep. 26.	31
Tin-foil mill.....	1		186	Tin-foil workers.....	75		75	Mar. 28-Apr. 27.	27
			(27)	(Thereof women).					
Watch case factories.....	4		120	Watch case engravers.....	120		120	Oct. 22, '03-	80
			280	Others.....				Jan. 14, '04.	
			(20)	(Thereof women).					
3. Iron and									
BUFFALO.									
Horseshoeing.....	60		97	Horseshoers.....	80		80	May 23-July 23.	54
COROBS.									
Rolling mill.....	1	1	143	Puddlers, muck rollers, finishers, shearmen.	143		143	July 20.....	1
			120	Tube workers.....		120	120		
LYON MOUNTAIN.									
Iron mine.....	1	1	500	Miners.....	250	250	500	Mar. 11-14..	2½
NEW YORK CITY.									
Boiler making and ship-building.	33	33	1,500	Boiler makers and iron ship-builders & helpers	1,400		1,400	May 4-Aug. 6	82
Elevator building.....	18	18	830	Elevator constructors & millwrights.	830		830	Apr 11-9....	9
SYRACUSE.									
Wagon spring factory....	1	1	40	Spring makers.....	12	28	40	July 25-Aug. 4	10
TROY.									
Foundry.....	1	1	62	Iron molders.....	50	12	62	Apr. 19-May 9.	18
UTICA.									
Boiler makers.....	1		7	Boiler makers.....	7		7	June 1-Sept. 10	88
			7	Helpers.....		7	7		
			22	Others.....					
Heater works.....	4		250	Iron molders and core-makers.	170	80	250	Mar. 17-Apr. 30.	39
			210	Others.....					

\* Not

## PORTED IN THE YEAR ENDED SEPTEMBER 30, 1904.

AGGREGATE DAYS LOST.			ALLEGED CAUSE OR OBJECT.	RESULT.	MODE OF SETTLEMENT—REMARKS.
Di- rectly.	Indi- rectly.	Total.			

## CLAY PRODUCTS.

5,000	5,000	Against 10 per cent reduction in wages.	Wages reduced 10 per cent.	Strikers returned to work.
70	70	Against reduction of pay by change from piece to time rates.	Wages reduced	Strikers returned to work.

## AND APPARATUS.

## Goods.

930	930	For 30 per cent increase in wages.	Wages advanced 20 per cent and weekly hours reduced from 57 to 54.	Direct negotiations between firm and the union.
2,000	2,000	For recognition of union	Strike failed.	Most of the strikers returned to work. Places of remainder were filled.
9,600	9,600	For increase of wages	Strike failed.	Strikers returned to work or their places were filled.

## Steel Products.

4,320	4,320	For advance in wages of 50 cents per day, reduction of hours on Saturday from 9 to 8, and use of union label.	Return to work with promise of 25 cent advance and reduction of one hour on Saturday to commence April 1, 1905.	Conferences of representatives of master horseshoers' association with union committee and international union officers.
143	120	263 a For reinstatement of discharged union member.	Discharged man reinstated.	Direct negotiations of the parties.
625	250	875 For increase of wages, weekly payment of wages and better terms at company's store.	Strike declared off upon promise of company to adjust grievances	Conciliation by pastor of Catholic church.
80,000	80,000	For closed shop.	Strike failed	Strikers returned to work so far as places had not been filled. (See Chap. III.)
7,470	7,470	For increase in wages and other modifications in annual agreement.	Compromise agreement including advanced wages.	Conference of representatives of the employers and the union. (See Chaps. III and IV.)
120	280	400 Against 10 per cent reduction in wages.	Wages reduced 10 per cent.	Strikers' places filled with new hands after plant had shut down for 10 days.
900	216	1,116 For increase in wages, reduction of hours and union shop.	Strike failed	Dispute never terminated, but plant resumed operation with new (non-union) hands.
616	616	1,232 For reduction of hours from 10 to 9 per day.	Hours reduced to 9 per day. General agreement signed.	Conferences of firm with union committee. (No. 37, Chap. IV.)
5,250	3,120	8,370 Against 20 per cent reduction of wages.	Success for 46 strikers in one firm after being out nine days; failure for remaining 124 in the other three firms.	Dispute never terminated, but the three firms resumed operation with new (non-union) hands.

reported.

# II.24 NEW YORK STATE DEPARTMENT OF LABOR.

Table 1.—Continued.

ESTABLISHMENTS INVOLVED.				EMPLOYERS.			DURA		
LOCALITY AND INDUSTRY.	No.	Closed.	Total No.	Occupation.	NUMBER INVOLVED.			Date.	Days.
					Di-rectly.	Indi-rectly.	Total.		
II. METALS, MACHINERY									
3. Iron and Steel									
WALDEN.									
Engine works.....	1		120	Machinists, etc.....	20		20	May 24-June 4.	11
Steam pump works.....	1		20	Iron molders and core-makers. 90 Others.	20		20	March 14-17.	4
WATERVLIET.									
Foundry.....	1		18	Molders and coremakers.	18		18	Apr. 25-27.	3
			43	Others.....		10	10		
4-10. Conveyances, Instru									
BUFFALO.									
Ship-building.....	1	1	30	Blacksmiths, fitters, car-penters, helpers and laborers.	10	20	30	March 31-April 8.	9
Ship-building.....	2		87	Ship carpenters and calk-ers.	87		87	May 26-Sept. 6.	89
Ship-building.....	1	1	250	763 Others. 250 Iron ship builders.	250		250	Sept. 9-20.	10
			400	Others.....		400	400		
ELMIRA.									
Coaster brake factory....	1		16	Tool makers.....	13		13	Oct. 24-31, 1903.	7
			79	Machine hands, polishers and laborers.					
NEW YORK CITY.									
Carriage and wagon mak-ing.	234	234	2,800	Carriage and wagon workers.	2,800		2,800	May 2-June 11.	36
Piano factory.....	1		200	Piano makers.....	115		115	July 7-Sept. 1.	48
ROCHESTER.									
Carriage and wagon works.	23		725	Carriage and wagon workers.	265		265	March 14-May 20.	59
SCHENECTADY.									
Electrical works.....	1		800	Iron molders, coremak-ers and foundrymen.. 9,300 Others. (700) (Thereof women).	800		800	March 30.	1
SYRACUSE.									
Carriage and wagon works.	5	5	23	Carriage and wagon workers.	23		23	May 8-7.	5
BINGHAMTON.									
Cigar box factory.....	1		25	Box paperers (women).. 18 Others.	18		18	Dec. 3-4, 1903.	1

## III. WOOD

\* Esti

## Detailed statement of disputes reported in the year ended September 30, 1904.

FROM.			ALLEGED CAUSE OR OBJECT.	RESULTS.	MODE OF SETTLEMENT—REMARKS.
AGGREGATE DAYS LOST.					
Di-rectly.	Indi-rectly.	Total.			

## AND APPARATUS—Continued.

## Products—Continued.

220		220	For advance in wages.	No change in wages.	Strikers returned to work.
80		80	Against reduction of 25 cents per day in molder's wages and for operation of molding machines by molders.	No reduction of wages; compromise as to molding machines.	Direct negotiation of the parties.
54	30	84	Refusal to do work brought in from another foundry where strike was in progress.	No further work for the "Shop on strike" undertaken by firm.	Direct negotiations of the parties.

## ments and Apparatus.

80	160	240	For advance in wages.....	No change in wages.....	Direct negotiations of the parties.
7,743		7,743	For increase of 25 cents per per day in wages.	No change in wages.....	Strikers returned to work or their places were filled.
2,500	4,000	6,500	Against employment of non-union carpenters in place of those who went on strike May 26.	Strike failed.....	Strikers returned to work.
91		91	For properly screened water-closets.	Part of clear glass in front of closets changed to clouded.	Conference of superintendent with committee from local trades assembly and representative of machinists' international union.
96,200		96,200	For union agreement involving increase of wages, shorter hours, etc.	Union agreement accepted by 65 firms with 825 employees. Strike failed in 196 firms with 1,975 employees.	Conference of union representatives with employers or return of strikers to work. (See Chap. III.)
*3,800		3,800	Against alleged reduction of wages in case-making department under rates as fixed by firm for certain new styles of work.	Strike failed.....	Dispute never terminated, but after three weeks firm began filling strikers' places and reported full force of employees by Sept. 1.
*10,000		10,000	For reduction of hours from 10 to 9 per day with 10 per cent increase of wages and for recognition of union.	Strike failed in all but four or five establishments in which the nine-hour day and recognition were granted.	Direct negotiations of the parties where settlements were made. Otherwise places of strikers were filled or they returned to work. (See Chap. III.)
800		800	For discharge of union member who had refused to pay union fine.	Strike failed.....	Strikers returned to work.
115		115	For reduction of hours from 10 to 9 per day.	Hours reduced from 10 to 9 per day.	Direct negotiations of the parties.

## MANUFACTURES.

18		18	For discharge of foreman...	Strike failed.....	Strikers' places filled with new hands.
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mated.

Table 1.—Continued.

ESTABLISHMENTS INVOLVED.			EMPLOYERS.					DURA.	
LOCALITY AND INDUSTRY.	No.	Closed.	Total No.	Occupation.	NUMBER INVOLVED.			Date	Days.
					Di-rectly.	Indi-rectly.	Total.		
III. WOOD									
LOCKPORT.									
Cooperages.....	5	5	45	Coopers.....	45		45	Oct. 20, '03.	1
WATERVLIET.									
Planing mills, etc.....	4	4	56	Wood-workers.....	51	5	56	April 18— May 2.	14
IV. LEATHER AND									
AMSTERDAM.									
Pearl button works.....	1		40	Drillers (women).....	40		40	Feb. 15-17....	3
			263	Others.....					
			122	(Thereof women).....					
GLOVERSVILLE AND JOHNSTOWN.									
Glove factories.....	†1	†1	600	Table glove cutters.....	600		600	Dec. 21 '03..	164
			1	Others.....		2,000	2,000	June 28, '04..	
				(Thereof women).....		(1,850)	(1,850)		
MIDDLETOWN.									
Tannery.....	1		24	Japanners.....	21		21	April 1-6....	5
			109	Others.....					
ROCHESTER.									
Button works.....	1		400	Button makers.....	30		30	May 12— June 22.	36
			(250)	(Thereof women).....					
Shoe heel factory.....	1		115	Heel makers.....	78		78	Oct. 12, '03— May 28 '04.	198
			(7)	(Thereof women).....					
TRUY.									
Brush factory.....	1	1	30	Brush makers.....	25	5	30	March 28— April 15.	17
			(3)	(Thereof women).....					
V. CHEMICALS, OILS									
ALBANY.									
Potash works.....	1		75	Can makers.....	75		75	May 31— June 7.	7
			(20)	(Thereof women).....					
			45	Others.....					
VI. PAPER									
AU SABLE FORKS.									
Paper mill.....	1		244	Pulp workers.....	77		77	June 9-18....	9
			19	Paper makers.....	15		15		
			180	Others.....	13		13		
			(15)	(Thereof women).....					
FORT EDWARD.									
Paper mill.....	1		12	Finishers.....	12		12	April 12-15.	24
			548	Others.....					
			(6)	(Thereof women).....					
GLENS FALLS.									
Paper mill.....	1	1	300	Paper and pulp workers.....	300		300	June 6-9....	34
NEW YORK CITY.									
Rag sorting.....	1	1	30	Clip sorters.....	38		38	Sept. 21— Oct. 22.	28
			(30)	(Thereof women).....	(30)		(30)		
ROCK CITY FALLS.									
Paper mill.....	1	1	30	Paper makers.....	30		30	Jan. 21.....	1

\*Estimated. †An association; number of

# BUREAU OF MEDIATION AND ARBITRATION, 1904. II.27

## Detailed statement of disputes reported in the year ended September 30, 1904.

TION.			ALLEGED CAUSE OR OBJECT.	RESULTS.	MODE OF SETTLEMENT— REMARKS.
AGGREGATE DAYS LOST.					
Di- rectly.	Indi- rectly.	Total.			

### MANUFACTURES—Continued.

23		23	For advance of 2 cents in piece rate on apple barrels.	Rate advanced two cents....	Conference of employers and union committees.
714	70	784	For reduction of hours from 10 to 9 per day.	Wages advanced 15 per cent until April 1, 1905, after which hours to be 9 per day.	Direct negotiations of the parties.

### RUBBER GOODS.

120		120	For increase of wages. ....	Wages increased as demanded	Direct negotiations of the parties.
*90,000	*300,000	390,000	For union shop.....	Strike failed.....	Strikers returned to work. (See Chap. III.)
105		105	For advance in journey-man's wages and same rates for apprentices as for journeymen..	No change in wages.....	Five strikers returned to work, places of others filled.
1,080		1,080	Alleged poor power whereby earnings at piece work were curtailed.....	Strike failed.....	Strikers returned to work after being locked out for six weeks.
*10,000		10,000	For 15 per cent advance in wages.....	No advance.....	Strike declared off May 28. Strikers' places were being gradually filled during the dispute; those whose places were still open at end of May, returned to work. (See Chap. III.)
425	85	510	Refusal of firm to employ union members.	Strike failed .....	Strikers returned to work.

### AND EXPLOSIVES.

525		525	For reduction of hours.....	No change in hours .....	Strikers returned to work.
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### AND PULP.

945		945	For reduction of hours to 8 per shift, or 9 per day.	No change in hours.....	Strikers places filled by new hands.
30		30	Against reduction of number of finishers to 10.	Two discharged men reinstated	Conference of union representative with company's general manager, N.Y. city.
1,050		1,050	For reinstatement of an employee discharged in March.	Discharged employee reinstated with a reprimand...	Arbitration by the pastors of the Catholic, Methodist and Presbyterian churches.
1,064		1,064	For union shop.....	Union shop established .....	Intervention of committee from Central Federated Union. Agreement for one year signed. (No. 34, chap. IV.)
10		10	For one week's back pay....	Week's wages paid .....	Direct negotiations of the parties.

members not reported. †Not reported.

Table 1.—Continued.

ESTABLISHMENTS INVOLVED.			EMPLOYERS.					DURA	
LOCALITY AND INDUSTRY.	No.	Closed.	Total No.	Occupation.	NUMBER INVOLVED.			Date.	Days.
					Di-rectly.	Indi-rectly.	Total.		
VII. PRINTING AND									
BUFFALO.									
Printing.....	1		18	Compositors, pressmen, feeders, cutters and messengers.	15		15	Apr. 7-June 29.	45
			(5)	(Thereof women).....	(3)		(3)		
			4	Others.					
BUFFALO, NEW YORK AND ROCHESTER.									
Lithography.....	†1	†1	2,118	Lithographers, paper cutters and press feeders.	2,118		2,118	Mar. 17-Apr. 20.	30
NEW YORK CITY.									
Hat tip printing.....	14	‡	‡	Tip printers.....	58		58	Aug. 1-Oct. 1	54
Jewelry case factory.....	1		25	Jewelry and silverware case makers.	15		15	June 11-Aug. 11.	53
Printing and binding....	1		22	Pressmen and feeders....	22		22	Aug. 8-Sept. 1	21
			228	Others.					
			(125)	(Thereof women).					
VIII.									
FULTONVILLE.									
Silk glove factory.....	1		30	Machine hands (women).	30		30	Feb. 9-10....	2
			45	Others.					
			(20)	(Thereof women).					
GOVERNOR.									
Lace mill.....	1		23	Menders (women).....	23		23	Mar. 8-14....	6
			157	Others.					
			(90)	(Thereof women).					
GREEN ISLAND.									
Knitting mill.....	1		13	Finishers (women).....	13		13	Sept. 13-19....	6
			212	Others.					
			(12)	(Thereof women).					
HAGAMANS.									
Knitting mill.....	1		14	Finishers (women).....	14		14	Mar. 22-24....	3
			166	Others.					
			(166)	(Thereof women).					
LOCKPORT.									
Cash mill.....	1	1	33	Weavers, winders, hemmers and cutters (females).	33		33	June 27-28....	2
NEWBURGH.									
Fleischery.....	1		18	Folders.....	14		14	Jan. 27-Feb. 19.	21
			203	Others.					
			(69)	(Thereof women).					
NEW YORK CITY.									
Silk ribbon mill.....	1	1	340	Weavers.....	180		180	June 4-July 30	49
				Winders, warpers, spoolers, finishers, twistors, etc.	160		160		
			(160)	(Thereof women).....	(160)		(160)		
UTICA.									
Cotton mill.....	1		14	Spinners.....	12		12	June 23-24....	1
			75	Others.....	10		10		
			(25)	(Thereof women)					
Knitting mill.....	1		42	Drawer finishers (women)	42		42	Feb. 10-13....	4
			558	Others.					
			(328)	(Thereof women).					

\* Estimated. † An association; number of

**BUREAU OF MEDIATION AND ARBITRATION, 1904. II.29**

**Detailed statement of disputes reported in the year ended September 30, 1904.**

TION.			ALLEGED CAUSE OR OBJECT.	RESULTS.	MODE OF SETTLEMENT— REMARKS.
AGGREGATE DATA LOST.					
Di- rectly.	Indi- rectly.	Total			

**PAPER GOODS.**

*500		500	For union scale of wages....	Strike failed.....	Strikers places filled by new hands.
63,540		63,540	To compel signing of agreement proposed by employers for arbitration of all differences.	Signing of compromise agreement prepared by joint conference committee.	Conference of representatives of unions and employers' association, arranged by National Civic Federation. (See Chap. III.)
3,132		3,132	For increase in wages of from \$1 to \$2 per week.	No change in wages.....	Strikers returned to work.
795		795	Against open shop.....	Strike failed.....	Strikers places filled with non-union hands.
462		462	Lockout by firm owing to disagreement over an arrangement of work alleged by employees to involve reduction of wages.	Strike failed.....	Dispute never terminated, but strikers places reported by firm as filled by new and non-union hands.

**TEXTILES.**

60		60	Objection to newly appointed forewoman.	New forewoman retained....	Conference of foreman of factory and committee of strikers.
138		138	For advance in wages.....	Compromise.....	Direct negotiations of the parties.
78		78	Against reduction of wages.	Wages reduced.....	Strikers places filled.
42		42	For advance in piece rates on new style of finish.	Compromise advance.....	Direct negotiations of the parties.
66		66	Against operation of four instead of two looms by each weaver.	Strike failed.....	Conference of shop committee with manager.
294		294	For reduction in number of apprentices.	Strike failed.....	Strikers places filled with new hands.
8,820	7,840	16,660	Against reduction of piece rate for weavers from 80 to 65 cents per cut or 12½ per cent.	Wages reduced 5 to 10 per cent.	Conference of firm and union committee. (See chap. III.)
12	10	22	For better piece rates for running waste stock.	Strike failed.....	Places of strikers filled by new hands.
168		168	For advance in piece rate on new style of garment.	Strike failed.....	Strikers returned to work

members not reported.      ‡ Not reported.



Table 1.—Continued.

ESTABLISHMENTS INVOLVED.			EMPLOYEES.				DURATION.		
LOCALITY AND INDUSTRY.	No.	Closed.	Total No.	Occupation.	NUMBER INVOLVED.			Date.	Days.
					Directly.	Indirectly.	Total.		
IX. CLOTHING, MILLINERY.									
KINGSTON. Shirt factory.....	1		24 76	Front makers (women). Others (women).	24		24 30	Mar. 18-26...	8
NEW YORK CITY Cap factory.....	1	1	125 (25)	Cap makers. (Thereof women).	125 (25)		125	Dec. 7-'03- Feb. 13, '04	60
Cloak making.....	1		123 (69)	Cloak makers. (Thereof women.)	48		48	Feb. 29- Mar. 12.	*12
Clothing industry.....	†1		‡	Cutters Garment makers	1,400 10,232		1,400 *25,000 35,232	June 21- Aug. 6.	41
Hat factory.....	1		323 (110) 217 (114)	Felt hat makers. (Thereof women). Others (Thereof women).	213 (110)	110 (110)	323	Dec. 7-16, 1903.	9
Suspender factory.....	1	1	22 (2)	Suspender makers. (Thereof women).	22		22	June 1- Sept. 15	79
ROCHESTER. Clothing factories.....	15		440 ‡	Cutters and trimmers. Others	400		400	Oct. 12- Dec. 31, 1903	70
Men's clothing factory....	1		28 (1)	Cutters and trimmers. (Thereof women).	19		19	June 22- July 2.	10
X. FOOD, TOBACCO.									
AUBURN. Canning factory.....	1		32 (5)	Laborers. (Thereof women).	10		10	July 12.....	1
BINGHAMTON. Cigar factory.....	1		14 306 (120)	Packers. Others (Thereof women).	14		14	Oct. 12-13, 1903.	1
NEW YORK CITY. Butchering & meat pack- ing.....	9	7	1,480	Butcher workmen, etc....	1,018		1,018	July 13- Sept. 6	48
Cigar factories.....	2	2	48 (19)	Cigar makers. (Thereof women).	35 (8)	13 (11)	48 (19)	June 6- July 30.	*48
Flour and cereal mills....	‡		‡	Flour and cereal workers.	40		40	July 15- Aug. 18.	30
Meat packing.....	1		100	Meat cutters, sausage makers, etc	19		19	May 28- June 10.	12
ROCHESTER. Bakeries.....	32		114	Bakeries.	114		114	May 1- June 18.	42
XII. BUILDING.									
AUBURN. Painting, etc.....	7	7	50	Painters and paper- hangers.	50		50	May 2-7.....	6

\*Estimated. †An association; number of

## Detailed statement of disputes reported in the year ended September 30, 1904.

AGGREGATE DAYS LOST.			ALLEGED CAUSE OR OBJECT.	RESULT.	MODE OF SETTLEMENT—REMARKS.
Di-rectly.	Indi-rectly.	Total.			
192	240	432	Against reduction of wages.	One-half the reduction origi-nally announced.	Conference of superintendents and representatives of the strikers.
7,500		7,500	For union shop.....	Not made public.....	Intervention of president of American Federation of Labor. Signed agreement for three years; not published.
500		500	For reinstatement of union member discharged for dispute with firm member over time for starting work.	Strike failed.....	Strikers' places filled with new hands.
389,250	*500,000	889,250	Against open shops.....	Open shops maintained....	Strikers returned to work (See Chap. III.)
1,917	990	2,907	For new price list because of alleged reduction of wages due to change in materials or division of work, after-ward question of union shop.	Strike failed.....	Return of strikers to work or filling of their places.
1,738		1,738	For recognition of union...	Union not recognised.....	Strikers' places filled with non-union hands.
28,000		28,000	For reduction of hours from 9 to 8 per day.	No change in hours.....	Dispute never terminated, but firm reported normal out-put by January 1. (See Chap. III.)
190		190	Against increase of hours from 8 to 9 per day	Nine hour schedule estab-lished.	Strikers' places filled by new hands.

## AND LIQUORS.

10		10	For increase of wages from 12½ to 15 cents per hour.	Strike failed.....	New hands hired.
14		14	Against employment of women as packers.....	Employment of women at packing discontinued.	Direct negotiation of the parties.
35,322		35,322	In sympathy with striking Chicago butcher workmen	Strike failed.....	Strikers returned to work upon collapse of Chicago strike. (See chap. III.)
1,680	624	2,304	For union shop.....	Strike failed.....	Strikers' places filled with non-union hands.
1,200		1,200	For increase in wages.....	Strike failed.....	Strikers returned to work.
228		228	For closed shop.....	Strike failed.....	Strikers' places filled by new hands.
4,788		4,788	For abolition of night work.	Strike failed.....	Strikers' places filled by new hands immediately.

## INDUSTRY.

300		300	For advance in wages of 5 cents per hour.	Wages advanced 2½ cents per hour.	Conference of union commit-tee with boss painter and committee of the Employers' League. Agreement for one year signed. (Chap. IV.)
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members not reported.    Not reported.

# 11.32 NEW YORK STATE DEPARTMENT OF LABOR.

Table 1.—Continued.

ESTABLISHMENTS INVOLVED.			EMPLOYEES.				DURA		
LOCALITY AND INDUSTRY.	No.	Closed.	Total No.	Occupation.	NUMBER INVOLVED.			Date.	Days.
					Di-rectly	Indi-rectly.	Total.		
XII. BUILDING									
BINGHAMTON.									
Bricklaying.....	1	1	20	Bricklayers.....	20		20	July 11-15.	5
			55	Others.....		55	55		
BUFFALO.									
Bricklaying.....	25	25	350	Bricklayers.....	350		350	June 2-23.	19
			†	Others.....		1,000	1,000		
Dredging.....	1	1	73	Blacksmiths, blasters, drillers and helpers.	73		73	Nov. 10-19, 1903.	10
Electrical construction..	12	12	8	Tugmen.....		8	8		
			100	Inside wiremen.....	100		100	Jan. 5-March 18.	64
			†	Others.....		†			
Stone masonry.....	13	13	200	Stone masons.....	200		200	May 2-June 15.	39
Tile laying, etc.....	3		†	Others.....		200	200		
			20	Tile layers.....	20		20	Apr. 4-July 30.	102
CANANDAIGUA.									
Carpentry.....	14	12	68	Carpenters and joiners...	65		65	May 10-18.	8
COHIBA.									
Carpentry.....	†	†	68	Carpenters and joiners...	68		68	May 2-14.	12
CORNING.									
Carpentry.....	1	1	60	Carpenters.....	60		60	Oct. 27-30, 1903.	4
CORTLAND.									
Plumbing.....	5	1	19	Plumbers.....	14		14	May 2-Sept. 17.	120
DUNKIRK.									
Carpentry.....	†		†	Carpenters and joiners.....	50		50	Apr. 23, '04-Jan. 4, '05.	219
HERKIMER.									
Carpentry.....	1		20	Carpenters.....	16		16	Jan. 25-Apr. 1.	*58
HUDSON.									
Waterworks contracting.	1	1	65	Laborers.....	65		65	Sept. 1-3.	3
ILION.									
Carpentry.....	6	6	53	Carpenters.....	53		53	March 1-21.	18
ISLIP.									
Carpentry.....	6	4	75	Carpenters and joiners...	75		75	Apr. 1-6.	5

\* Estimated. † An association; number of

## Detailed statement of disputes reported in the year ended September 30, 1904.

TION.			ALLEGED CAUSE OR OBJECT.	RESULTS.	MODE OF SETTLEMENT— REMARKS.
AGGREGATE DAYS LOST.					
Di- rectly.	Indi- rectly.	Total			

## INDUSTRY—Continued.

100	275	375	For advance of wages from \$4.00 to \$4.50 per day, (the rate paid to bricklayers brought from other cities.)	Strike failed.	Men ordered by international union to work at \$4 as per local agreement.
6,650	19,000	25,650	Refusal to lay brick on foundations of concrete substituted for stone during stone mason's strike.	No concession by employers.	Locked out men returned to work. (See Chap. III.)
780	80	810	For full pay for time lost on account of bad weather.	Strike failed.	Agreement signed for 1904. (Chap. IV.)
6,400		6,400	Against recognition of contractors' association and open shops which had been declared by contractors.	Recognition of contractors' association and closed shop clause in agreement.	Conference of representatives of the union and the employers' association. (See Chap. III.)
7,800	7,800	15,600	For advance in wages from 45 to 50 cents per hour.	No change in wages.	Strikers returned to work. (See chap. III.)
2,040		2,040	For advance in wages.	No change in wages.	Conference of strikers' representatives with employers. During strike non-union hands were employed (Chap. IV.)
520		520	For advance of wages from 25 to 27½ cents per hour.	Wages advanced to 27½.	Direct negotiations of the parties. Agreements for one year signed. (Chap. IV.)
816		816	For increase of wages from 25 to 35 cents per hour, and reduction of hours from 9 to 8 per day.	Wages advanced to 30 cents; hours not changed.	Conference of representatives of union and masters' association.
240		240	For enforcement of minimum wage in union agreement which had been signed by employer.	Payment by employer to employee in question of balance due under union scale for six months' work.	Conference of employer and union committee.
1,680		1,680	For increase in wages and recognition of union.	Compromise advance and recognition by three firms; strike failed in other two.	Direct negotiations of the parties.
1,500		1,500	For recognition of union.	Strike failed; officially declared off Jan. 6, '05.	New hands hired or strikers returned to work. Strikers remained idle only six weeks.
928		928	For employment of union men only.	Strike failed.	Strikers' places filled with non-union hands.
195		195	For payment of wages due.	Payment of wages and promise to pay regularly in future.	Direct negotiations of the parties.
954		954	For recognition of union.	Strike failed.	New hands hired.
375		375	For increase of wages and recognition of union.	Wages increased and agreement with union signed.	Conference of employers and union committee. Agreement for two years signed. (Chap. IV.)

members not reported. †Not reported.

# II.34 NEW YORK STATE DEPARTMENT OF LABOR.

Table 1.—Continued.

ESTABLISHMENTS INVOLVED.			EMPLOYEES.					DURA	
LOCALITY AND INDUSTRY.	No.	Closed.	Total No.	Occupation.	NUMBER INVOLVED.			Date.	Days.
					Di-rectly.	Indi-rectly.	Total.		
XII. BUILDING									
JAMESTOWN. Painting, etc.....	12	1	86	Painters and paper hangers.	81	.....	81	Apr. 1-30.	25
Mr. VERNON. Carpentry.....	15	†	†	Carpenters.....	40	.....	40	July 6-12.	6
NEWBURGH. Carpentry.....	17	16	150	Carpenters and joiners...	150	.....	150	Apr. 1-14...	12
Painting, etc.....	†	†	96	Painters and paper hangers.	96	.....	96	Apr. 1-20.	17
NEW YORK CITY. Asphalt paving.....	8	8	500 500	Asphalt workers..... Engineers, stone cutters, pavers and teamsters..	500 .....	..... 500	500 500	Apr. 5, '04- Feb. 23, '05	278
Bricklaying.....	†1	†	†	Bricklayers' laborers.... Bricklayers and masons. Other trades.....	6,275 3,625 .....	1,950 ..... 6,509	8,225 3,625 6,509	Mar. 4- Apr. 6	27
Building industry.....	†	†	†	Carpenters, electrical workers, plasterers, plumbers and tile lay- ers. Other skilled trades..... Laborers.....	5,450 ..... 5,872	..... ..... 628	5,450 ..... 6,410 1,150	Aug. 8.....	.....
Carpentering.....	†	†	†	Carpenters.....	225	.....	225	May 2-7.....	6
Excavating.....	1	1	150	Rockmen.....	150	.....	150	July.....	2
General contracting....	1	.....	20 600	Pipe callers and tappers. Others.	20 .....	.....	20	Aug. 9-13...	5
House wrecking.....	3	3	500	House wreckers and sec- ond-hand building ma- terial handlers.	500	.....	500	Mar. 8-22...	12
Lathing.....	†	†	†	Lathers.....	212	.....	212	June 3-4....	2
Painting.....	†	†	†	Painters and decorators.	35	.....	35	Apr. 1-14....	12
Paving.....	†	†	†	Pavers.....	43	.....	43	Sept. 23-24..	1†
Paving.....	2	2	100	Stone cutters and curb setters.	100	.....	100	Oct. 15-17, 1903.	2
Plumbing.....	1	.....	120	Plumbers and helpers....	120	.....	120	Feb. 23-Apr. 28.	57
Plumbing.....	†1	†1	60 60	Plumbers..... Helpers.....	60 .....	..... 60	60 60	Jan. 1-Mar. 2	52

\* Estimated. † An association; number of

## Detailed statement of disputes reported in the year ended September 30, 1904.

TIONS.			ALLIANCE CAUSE OR OBJECT.	RESULTS.	MODE OF SETTLEMENT—REMARKS.
AGGREGATE DAYS LOST.					
Di-rectly.	Indi-rectly.	Total.			

2,025		2,025	For reduction of hours from 9 to 8 per day; afterwards for increase in wages of 25 cents per day.	No change in hours. Six firms advanced wages 10 cents per day; strike failed in other six.	Direct negotiations of the parties.
240		240	Against open shops.....	Strike failed; officially declared off Dec. 12.	Strikers' places filled by new hands and strikers employed elsewhere in one week.
1,800		1,800	For increase in wages of 50 cents per day.	Wages advanced 25 cents per day.	Conference of representatives of the employers' association and the union. (See Chap. III.)
1,632		1,632	For increase in wages of 50 cents per day.	Wages advanced 25 cents per day.	Conference of employers and union committee. (See Chap. III.)
92,000	92,000	184,000	For recognition of asphalt workers' union.	Compromise agreement with union signed by three firms employing 585 men; same conditions maintained by other firms but no agreement signed.	(See Chap. III.)
\$267,180	211,516	478,696	Against reduction of over-time pay of laborers to regular hourly rate, bricklayers and masons going out in sympathy.	Original rate restored. Demand for recognition arbitrated.	Decision by trade arbitration board of the bricklayers' unions and mason builders' association. (See Chaps. III and IV.)
\$400,000	\$50,000	450,000	Lockout by employers' association to force termination of several strikes begun in contravention of general arbitration agreement followed by retaliatory strikes.	Pending at close of year 1904.	See chap. III; also lathers agreement (No. 12) in Chap IV.
1,350		1,350	For increase in wages.....	Wages advanced as demanded	Direct negotiations of the parties.
750		750	For advance of wages from \$2 to union rate of \$2.25 per day.	Wages advanced to \$2.25....	Direct negotiations of the parties.
100		100	For discharge of non-union men.	Non-union men discharged...	Direct negotiations of the parties.
6,500		6,500	Refusal of firms to renew agreement on ground that other firms had not been unionised as agreed the previous year.	Continuance of old agreement for 60 days pending attempt to unionise a majority of other firms.	Direct negotiations of the parties.
424		424	For union scale of wages....	Union scale established.....	Direct negotiations of the parties.
378		378	For advance of wages from \$2.75 to \$3.	Wages advanced to \$3.....	Direct negotiations of the parties.
65		65	To compel union member to pay his dues to the union.	Member in question paid his dues.	Direct negotiations of the parties.
300		300	To prevent substitution of cement curb for stone curb.	Substitution of cement curb discontinued.	Conference of borough president and commissioner of public works with State and city officials of union.
6,840		6,840	To prevent instalment of signal air lines in rapid transit subway by firm, objected to by union.	Strikers demands granted....	Direct negotiations of the parties.
\$,120	\$,120	6,240	For advance of wages from \$4 to \$4.50 per day.	Wages advanced to \$4.25....	Conference of representatives of the plumbers' union and masters' association.

members not reported † Not reported. ‡ To September 30, 1904.

# II.36      NEW YORK STATE DEPARTMENT OF LABOR.

Table 1.—Continued.

ESTABLISHMENTS INVOLVED.			EMPLOYERS.				DURA		
LOCALITY AND INDUSTRY	No.	Closed.	Total No.	Occupation.	NUMBER INVOLVED.			Date.	Days.
					Di-rectly.	Indi-rectly	Total.		
XII. BUILDING									
NEW YORK CITY—Con. Tunnel excavating.....	1		‡	Rock drillers and tool sharpeners.....	76		76	July 22-23...	6
OSWEGO. Bricklaying and masonry	1		45 250	Masons..... Laborers.....	40		40 100	May 11-13...	3
ROCHESTER. Excavating.....	1		15 ‡	Laborers..... Others.....	15		15	July 29-30...	2
*SCENECTADY. Painting.....	21		212	Painters and paper h'g'rs.	140		140	Mar. 1-May 1	*50
SYRACUSE. General building.....	1		55 ‡	Hod carriers..... Others.....	55		55	June 8-14...	6
TROY. Tinsmithing, etc.....	‡	‡	50	Tinsmiths.....	50		50	April 1-May 12	36
YONKERS. Bricklaying.....	13	13	150 125	Hod carriers..... Bricklayers and plasterers.....	150		150 125	Feb. 19-March 19.	26
XIII. TRANSPORTATION									
ALBANY. Livery stables.....	20	20	115	Drivers and stablemen...	100		100	Jan. 1-March 7.	57
BUFFALO. Grain elevators.....	17	17	195 600	Inside men..... Others.....	195		195 600	May 17-24.	8
Lake transportation.....	‡	‡	1,000 ‡	Masters and pilots..... Others.....	1,000		1,000 10,000	April 25-June 15.	45
COEYMANS. Ice harvesting.....	1	1	70 80	Ice house storers..... Others.....	70		70 80	Jan. 12-14.	3
COHOES. Teaming, etc.....	9	9	50	Team drivers.....	50		50	June 15-18.	4

\*Estimated. †An association; number of

## Detailed statement of disputes reported in the year ended September 30, 1904.

TION.			ALLEGED CAUSE OR OBJECT.	RESULTS.	MODE OF SETTLEMENT— REMARKS.
AGGREGATE DAYS LOST.					
Di- rectly	Indi- rectly.	Total			

## INDUSTRY—Continued.

456		456	For eight-hour day and union wages.	Strike failed.....	Strikers places filled with non-union hands.
120	300	420	Refusal to work with members of laborers' union who had "blacklisted" three masons for working on an "unfair" job.	Masons returned to work with non-union laborers.	Non-union laborers employed.
30		30	For discharge of non-union men.	Non-union men discharged...	Direct negotiations of the parties.
4,000		4,000	For advance in wages of 5 cents per hour.	Strike failed.....	Dispute never terminated. Some strikers returned to work, places of others filled.
330		330	Refusal to work one-half hour more per day without increase of pay.	Strike failed.....	Strikers' places filled with new hands.
1,800		1,800	For increase in wages from \$2.40 to \$3.00 per day.	Wages advanced to \$2.80....	Direct negotiations of the parties.
1,690	1,125	2,815	For payment of hod carriers' wages for all labor whether mason-tending or other work.	Agreement that whenever the union shall not furnish all the hod carriers needed on 24 hours notice, the contractors may furnish labor and pay to the union \$1 per day for each man so employed who does not join it.	Conference of representatives of hod carriers' union and contractors' association.

## AND COMMUNICATION.

5,700		5,700	Refusal of employers to negotiate new agreement except as an association and, chiefly, contest over employment of non-union men.	Signing by union and employers' association of agreement with clause for employment of none but union members.	Conference of representatives of the two organizations. (See Chap. III.)
1,560	4,800	6,360	For agreement with union, chief contention being for time and one-half pay for overtime.	Agreement signed including time and one-fifth for overtime.	Conference of international president of union and local union committee with employers. (See Chap. III.)
45,000	450,000	495,000	For uniform and advanced wage scale and arbitration in case of discharge of masters.	Strike failed.	Strikers returned to work. (See Chap. III.)
210	240	450	For advance in wages.....	No change in wages.....	Strikers returned to work.
200		200	For increase of wages from \$9 and \$10, to \$12 per week.	Wages advanced to \$9, \$10, and \$11.	Conference of team owners and union representatives arranged by member of State Board of Arbitration. Agreement for one year signed. (See Chap. III.)

members not reported. †Not reported



Table 1.—Concluded.

ESTABLISHMENTS INVOLVED.			EMPLOYEES.				DURA		
LOCALITY AND INDUSTRY.	No.	Closed.	Total No.	Occupation.	NUMBER INVOLVED.			Date.	Days.
					Di-rectly.	Indi-rectly.	Total.		
XIII. TRANSPORTATION									
NEWBURGH.									
Street railway.....	1	1	44	Conductors and motor-men.	44	.....	44	July 17-20.	4
New York City.									
Baggage transferring..	1	‡	‡	‡Express drivers and helpers.	250	.....	250	July 16-22.	7
Freight handling.....	1	1	351	Freight handlers, clerks, and tallymen.	335	.....	335	Feb. 2-6.	5
Freight handling.....	1	.....	3,000	Freight handlers and warehouse men.	1,000	.....	1,000	May 18-31.	12
Livery stables.....	30	30	1,750	Livery employees.....	1,750	.....	1,750	Nov. 25-27, 1903.	3
Livery stables.....	3	3	43	Livery employees.....	43	.....	43	Nov. 2-30, 1903.	25
Marine transportation...	8	.....	‡	Firemen, oilers, water tenders & coal passers	1,200	.....	1,200	June 8-1903.	40
Trucking.....	1	1	14	Truck drivers.....	14	.....	14	May 9-10.	2
ROCHESTER.									
Coal handling.....	‡	‡	‡	Team drivers.....	100	.....	100	April 1-13.	11

‡Not reported.

## Detailed statement of disputes reported in the year ended September 30, 1904.

TOTAL.			ALLEGED CAUSE OR OBJECT	RESULTS	MODE OF SETTLEMENT—REMARKS.
AGGREGATE DAYS LOST.					
Di- rectly	Indi- rectly	Total			

AND COMMUNICATION—Continued.					
176	.....	176	For recognition of union and reinstatement of seven discharged members.	Two years agreement between company and union in which former agreed to treat with latter's officers or committees when grievances arise and to give fair hearing to seven discharged men.	Conciliation by Newburgh member of State Railroad Commission. (No. 20, Chap. IV.)
1,750	.....	1,750	For advance of 10 per cent in wages.	No change in wages.....	Conference of representatives of the company and the union. One year agreement signed. (No. 23, Chap. IV.)
1,675	.....	1,675	For increase of wages and 10 hour day.	No change in wages or hours..	Strikers returned to work. (See Chap. III.)
12,000	.....	12,000	For discharge of non-union foreman who had remained at work during a previous strike.	Non-union foreman retained.	Strikers returned to work. (See Chap. III.)
2,250	.....	2,250	For increase of wages and shorter hours.	Wages and hours as demanded.	Direct negotiation of the parties; one year agreement signed. (See Chap. III.)
1,075	.....	1,075	For increase of wages for grooms.	Strike failed.	Strikers' places filled with new hands.
48,000	.....	48,000	For abolition of "crimps" and increase in wages.	Strike failed.	Strikers returned to work. (See Chap. III.)
28	.....	28	For increase in wages, shorter hours, employment of union members only, etc.	Strike failed.	Strikers returned to work.
1,100	.....	1,100	For agreement with employers giving drivers the right to refuse to draw coal to any firm whose employees may be on strike.	Strike failed.....	Strikers returned to work.

§As reported in press dispatches.

TABLE II.—NUMBER OF DISPUTES, EMPLOYEES AFFECTED, AND TIME LOST.

INDUSTRIES	Num- ber of dis- putes.	NUMBER OF EMPLOYEES—				AGGREGATE NUMBER OF WORKING DAYS LOST BY EMPLOYEES—		
		Before dis- pute.†	Di- rectly con- cerned.	Indi- rectly affected.	Total number involved.	Directly con- cerned.	Indi- rectly affected.	Total.
<b>I. STONE AND CLAY PRODUCTS.</b>								
Cement works.....	2	510	510		510	5,070		5,070
<b>II. METALS, MACHINERY AND APPARATUS.</b>								
<b>Metal goods:</b>								
Diamond cutting.....	1	30	30		30	930		930
Tin-foil.....	1	186	75		75	2,000		2,000
Watch-cases.....	1	380	120		120	9,600		9,600
<b>Iron and steel products:</b>								
Bollers.....	2	1,536	1,407	7	1,414	80,616	616	81,230
Elevators.....	1	830	830		830	7,470		7,470
Engines.....	1	120	20		20	220		220
Foundries.....	3	583	238	102	340	6,204	3,366	9,570
Horseshoeing.....	1	97	80		80	4,320		4,320
Iron mine.....	1	500	250	250	500	625	250	875
Rolling mill.....	1	263	143	120	263	143	120	263
Pump works.....	1	110	20		20	80		80
Wagon spring factory.....	1	40	12	28	40	120	280	400
<b>Conveyances, instruments and apparatus:</b>								
Vehicles and parts.....	4	3,643	3,101		3,101	106,406		106,406
Electrical apparatus.....	1	10,100	800		800	800		800
Ship and boat building.....	3	1,530	347	420	767	10,323	4,160	14,483
Pianos.....	1	200	115		115	3,800		3,800
<b>Total.....</b>	<b>24</b>	<b>20,148</b>	<b>7,588</b>	<b>927</b>	<b>8,515</b>	<b>233,657</b>	<b>8,792</b>	<b>242,449</b>
<b>III. WOOD MANUFACTURES.</b>								
Boxes.....	1	43	18		18	18		18
Cooperage.....	1	45	45		45	23		23
Planing mills.....	1	56	51	5	56	714	70	784
<b>Total.....</b>	<b>3</b>	<b>144</b>	<b>114</b>	<b>5</b>	<b>119</b>	<b>755</b>	<b>70</b>	<b>825</b>
<b>IV. LEATHER AND RUBBER GOODS.</b>								
Brushes.....	1	30	25	5	30	425	85	510
Buttons.....	2	703	70		70	1,200		1,200
Gloves.....	1	2,600	600	2,000	2,600	90,000	300,000	390,000
Shoe trimmings.....	1	115	78		78	10,000		10,000
Tannery.....	1	133	21		21	105		105
<b>Total.....</b>	<b>6</b>	<b>3,581</b>	<b>794</b>	<b>2,005</b>	<b>2,799</b>	<b>101,730</b>	<b>300,085</b>	<b>401,815</b>
<b>V. CHEMICALS, OILS AND EXPLOSIVES.</b>								
Potash.....	1	120	75		75	525		525
<b>VI. PAPER AND PULP.</b>								
Paper mill.....	4	1,313	447		447	2,035		2,035
Rag sorting.....	1	39	38		38	1,064		1,064
<b>Total.....</b>	<b>5</b>	<b>1,352</b>	<b>485</b>		<b>485</b>	<b>3,099</b>		<b>3,099</b>
<b>VII. PRINTING AND PAPER GOODS.</b>								
Hat tip printing.....	1	58	58		58	3,132		3,132
Jewelry cases.....	1	25	15		15	795		795
Lithographing.....	1	2,118	2,118		2,118	63,540		63,540
Printing and binding.....	2	272	37		37	962		962
<b>Total.....</b>	<b>5</b>	<b>2,473</b>	<b>2,228</b>		<b>2,228</b>	<b>68,429</b>		<b>68,429</b>

† The total number of employees before dispute is in several instances larger here than is indicated by the figures given in Table I, for the reason that here it is reckoned as at least equal to the total number involved.

Table II.—Number of Disputes, Employees Affected, and Time Lost—Concluded.

INDUSTRIES.	Number of disputes.	NUMBER OF EMPLOYEES—				AGGREGATE NUMBER OF WORKING DAYS LOST BY EMPLOYEES—		
		Before dispute.†	Directly concerned.	Indirectly affected.	Total number involved.	Directly concerned.	Indirectly affected.	Total.
VIII. TEXTILES.								
Bleaching.....	1	221	14		14	294		294
Craah.....	1	33	33		33	66		66
Knitting.....	4	1,094	81	10	91	300	10	310
Lace.....	1	190	23		23	138		138
Silk.....	2	415	210	160	370	8,880	7,840	16,720
Total.....	9	1,953	361	170	531	9,678	7,850	17,528
IX. CLOTHING, MILLINERY AND LAUNDRY.								
Cape and hats.....	2	665	338	110	448	9,417	990	10,407
Clothing (men's).....	3	37,100	12,051	25,000	37,051	417,440	500,000	917,440
Clothing (women's).....	1	123	48		48	500		500
Shirts.....	1	100	24	30	54	192	240	432
Suspenders.....	1	22	22		22	1,738		1,738
Total.....	8	38,010	12,483	25,140	37,623	429,287	501,230	930,517
X. FOOD, TOBACCO AND LIQUORS.								
Bakeries.....	1	114	114		114	4,788		4,788
Butchering and meat packing.....	2	1,580	1,037		1,037	35,550		35,550
Canning.....	1	32	10		10	10		10
Cigars.....	2	368	49	13	62	1,694	624	2,318
Flour and cereals.....	1	40	40		40	1,200		1,200
Total.....	7	2,134	1,250	13	1,263	43,242	624	43,866
XII. BUILDING INDUSTRY.								
Bricklaying and masonry.....	6	20,754	10,660	9,939	20,599	283,540	240,016	523,556
Building (general).....	3	13,685	11,307	1,778	13,085	400,430	50,000	450,430
Carpentering.....	10	809	802		802	8,723		8,723
Electrical construction.....	1	100	100		100	6,400		6,400
Excavating and dredging.....	5	387	379	8	387	2,161	80	2,241
House wrecking.....	1	500	500		500	6,500		6,500
Lathing.....	1	212	212		212	424		424
Painting.....	5	479	402		402	8,335		8,335
Paving.....	3	1,143	643	500	1,143	92,365	92,000	184,365
Plumbing and tinsmithing.....	4	309	244	60	304	13,440	3,120	16,560
Tile laying.....	1	20	20		20	2,040		2,040
Total.....	40	38,398	25,269	12,285	37,554	824,358	385,216	1,209,574
XIII. TRANSPORTATION AND COMMUNICATION.								
Grain handling.....	1	795	195	600	795	1,560	4,800	6,360
Ice harvesting.....	1	150	70	80	150	210	240	450
Livery.....	3	1,908	1,893		1,893	9,025		9,025
Marine transportation.....	3	15,200	3,200	10,000	13,200	105,000	450,000	555,000
Steam railroad.....	1	351	335		335	1,675		1,675
Street railway.....	1	44	44		44	176		176
Teaming and trucking.....	4	414	414		414	3,078		3,078
Total.....	14	18,862	6,151	10,680	16,831	120,724	455,040	575,764
GRAND TOTAL.....	124	127,685	57,308	51,225	108,533	1,840,554	1,658,907	3,499,461

† The total number of employees before dispute is in several instances larger here than is indicated by the figures given in Table I, for the reason that here it is reckoned as the least equal to the total number involved

TABLE III.—CAUSES OF DISPUTES, COMBINED WITH RESULTS.

(Figures parenthesized indicate number of disputes.)

INDUSTRIES.	NUMBER OF DISPUTES, WITH NUMBER OF EMPLOYEES DIRECTLY CONCERNED, WON BY—			TOTAL NUMBER OF—		
	Employers.	Workmen.	Neither side.	Disputes.	EMPLOYEES CONCERNED.	
					Directly.	Indirectly.
						Days' work lost by those directly concerned.
<b>I. INCREASE OF WAGES.</b>						
<b>II. METALS, MACHINERY AND APPARATUS.</b>						
Gold, silver and precious stones:						
Diamond cutting.....			(1) 30	1	30	930
Watch cases.....	(1) 120			1	120	9,600
<b>Iron and steel:</b>						
Elevators.....			(1) 830	1	830	7,470
Engine works.....	(1) 20			1	20	220
Foundry.....	(1) 50			1	50	900
Horseshoeing.....			(1) 80	1	80	4,320
Iron mines.....			(1) 250	1	250	625
<b>Conveyances:</b>						
Ship-building.....	(2) 97			2	97	7,823
Vehicles.....			(1) 2,800	1	2,800	98,200
<b>Total.....</b>	<b>(5) 287</b>		<b>(5) 3,990</b>	<b>10</b>	<b>4,277</b>	<b>128,088</b>
<b>III. WOOD MANUFACTURES.</b>						
Cooperage.....		(1) 45		1	45	23
<b>IV. LEATHER AND RUBBER GOODS.</b>						
Pearl buttons.....		(1) 40		1	40	120
Shoe trimmings.....	(1) 78			1	78	10,000
Tannery.....	(1) 21			1	21	105
<b>Total.....</b>	<b>(2) 99</b>	<b>(1) 40</b>		<b>3</b>	<b>139</b>	<b>10,225</b>
<b>VII. PRINTING, BINDING, ETC.</b>						
Printing.....	(2) 73			2	73	3,632
<b>VIII. TEXTILES.</b>						
Knitting.....	(2) 54		(1) 14	3	68	222
Lace.....			(1) 23	1	23	138
<b>Total.....</b>	<b>(2) 54</b>		<b>(2) 37</b>	<b>4</b>	<b>91</b>	<b>360</b>
<b>X. FOOD, TOBACCO AND LIQUORS.</b>						
Canning.....	(1) 10			1	10	10
Flour and cereals.....	(1) 40			1	40	1,200
<b>Total.....</b>	<b>(2) 50</b>			<b>2</b>	<b>50</b>	<b>1,210</b>
<b>XII. BUILDING INDUSTRY.</b>						
Bricklaying and masonry.....	(2) 220			2	220	7,900
Carpentry.....		(3) 865	(2) 218	5	583	4,861
Excavating and dredging.....	(1) 73	(1) 150		2	223	1,450
Lathing.....		(1) 212		1	212	424
Painting.....	(1) 140	(1) 35	(2) 146	4	321	6,310
Plumbing and tinsmithing.....			(3) 124	3	124	6,600
Tile laying.....	(1) 20			1	20	2,040
<b>Total.....</b>	<b>(5) 453</b>	<b>(6) 763</b>	<b>(7) 488</b>	<b>18</b>	<b>1,703</b>	<b>29,615</b>

Table III.—Causes of Disputes, Combined with results—Continued.

(Figures parenthesized indicate number of disputes.)

INDUSTRIES.	NUMBER OF DISPUTES, WITH NUMBER OF EMPLOYEES DIRECTLY CONCERNED, WON BY—			Disputes	TOTAL NUMBER OF—		Days' work lost by those directly concerned.
	Employers.	Workmen.	Neither side.		Directly.	Indirectly.	

## I. INCREASE OF WAGES—Continued.

<b>XIII. TRANSPORTATION AND COMMUNICATION.</b>							
Grain elevators.....			(1) 195	1	195	600	1,560
Ice harvesting.....	(1) 70			1	70	80	210
Lake transportation.....	(1) 1,000			1	1,000	10,000	45,000
Livery stables.....	(1) 43	(1) 1,750		2	1,793		3,325
Steam railroads.....	(1) 335			1	335		1,675
Trucking.....	(2) 264		(1) 50	3	314		1,978
Total.....	(6) 1,712	(1) 1,750	(2) 245	9	3,707	10,680	53,748
GRAND TOTAL.....	(24) 2,728	(9) 2,597	(16) 4,760	49	10,085	11,295	226,901

## II. REDUCTION OF WAGES.

<b>I. STONE AND CLAY PRODUCTS.</b>							
Cement works.....	(2) 510			2	510		5,070
<b>II. METALS, MACHINERY, ETC.</b>							
Iron and steel:							
Heaters.....			(1) 170	1	170	80	5,250
Pumps.....			(1) 20	1	20		80
Wagon springs.....	(1) 12			1	12	28	120
Instruments:							
Pianos.....	(1) 115			1	115		3,800
Total.....	(2) 127		(2) 190	4	317	108	9,250
<b>VII. PRINTING, BINDING, ETC.</b>							
Printing and binding.....	(1) 22			1	22		462
<b>VIII. TEXTILES.</b>							
Knitting.....	(1) 13			1	13		73
Silk.....			(1) 180	1	180	160	8,820
Total.....	(1) 13		(1) 180	2	193	160	8,898
<b>IX. CLOTHING, ETC.</b>							
Hats.....	(1) 213			1	213	110	1,917
Shirts.....			(1) 24	1	24	30	192
Total.....	(1) 213		(1) 24	2	237	140	2,109
<b>XII. BUILDING INDUSTRY.</b>							
Bricklaying.....			(1) 9,900	1	9,900	8,459	267,180
GRAND TOTAL.....	(7) 885		(5) 10,294	12	11,179	8,867	292,969

## III. REDUCTION OF HOURS.

<b>II. METALS, MACHINERY AND APPARATUS.</b>							
Boilers.....		(1) 7		1	7		616
Carriages and wagons.....		(1) 23	(1) 265	2	288		10,115
Total.....		(2) 30	(1) 265	3	295	7	10,731

Table III.—Causes of Disputes, Combined with Results—Continued.

(Figures parenthesized indicate number of disputes.)

INDUSTRIES.	NUMBER OF DISPUTES, WITH NUMBER OF EMPLOYEES DIRECTLY CONCERNED, WON BY—			Disputes.	TOTAL NUMBER OF—		
					EMPLOYEES CONCERNED.		Day's work lost by those directly concerned.
	Employers.	Workmen.	Neither side.		Directly.	Indirectly.	

## III. REDUCTION OF HOURS—Continued.

III. WOOD WORKING.							
Planing mill.....			(1) 51	1	51	5	714
V. CHEMICALS, ETC.							
Potash.....	(1) 75			1	75		525
VI. PAPER AND PULP.							
Paper.....	(1) 105			1	105		945
IX. CLOTHING, ETC.							
Clothing.....	(1) 400			1	400		28,000
XII. BUILDING INDUSTRY.							
Excavating.....	(1) 76			1	76		456
Painting.....			(1) 81	1	81		2,025
Total.....	(1) 76		(1) 81	2	157		2,481
GRAND TOTAL.....	(4) 656	(2) 30	(3) 397	9	1,083	12	43,396

## IV. LONGER HOURS.

IX. CLOTHING, ETC.							
Clothing (men's).....	(1) 19			1	19		190
XII. BUILDING INDUSTRY.							
General building.....	(1) 55			1	55		330
	(2) 74			2	74		520

## V. TRADE UNIONISM.

II. METALS, MACHINERY AND APPARATUS.							
Tin-foil.....	(1) 75			1	75		2,000
Boilers.....	(1) 1,400			1	1,400		80,000
Foundry.....		(1) 18		1	18	10	54
Rolling mill.....		(1) 143		1	143	120	143
Electrical works.....	(1) 800			1	800		800
Total.....	(3) 2,275	(2) 161		5	2,436	130	82,997
IV. LEATHER AND RUBBER GOODS.							
Brushes.....	(1) 25			1	25	5	425
Gloves.....	(1) 600			1	600	2,000	90,000
Total.....	(2) 625			2	625	2,005	90,425
VI. PAPER AND PULP.							
Rag sorting.....		(1) 38		1	38		1,064

**Table III.—Causes of Disputes, Combined with Results—Continued.**

(Figures parenthesised indicate number of disputes.)

INDUSTRIES.	NUMBER OF DISPUTES, WITH NUMBER OF EMPLOYEES DIRECTLY CONCERNED WON BY—			TOTAL NUMBER OF—			
	Employers.	Workmen.	Neither side.	Disputes.	EMPLOYEES CONCERNED.		Day's work lost by those directly concerned
					Directly.	Indirectly.	
V. TRADE UNIONISM—Continued.							
VII. PRINTING AND PAPER GOODS.	(1)	15		1	15		795
Jewelry cases.....							
XI. CLOTHING, ETC.							
Caps.....			(1) 125	1	125		7,500
Clothing (men's).....	(1) 11,632			1	11,632	25,000	389,250
Suspenders.....	(1) 22			1	22		1,738
Total.....	(2) 11,654		(1) 125	3	11,779	25,000	398,488
X. FOOD, TOBACCO AND LIQUORS.							
Cigars.....	(1) 19			1	19		228
Meat packing.....	(1) 35			1	35	13	1,680
Total.....	(2) 54			2	54	13	1,908
XII. BUILDING INDUSTRY.							
Bricklayers and masons.....	(1) 40			1	40	100	120
Carpenters.....	(3) 109	(2) 110		5	219		3,832
Electrical construction.....			(1) 100	1	100		6,400
Excavating.....		(1) 15		1	15		80
General contracting.....		(1) 20		1	20		100
House wrecking.....			(1) 500	1	500		6,500
Paving.....		(1) 43	(1) 500	2	543	500	92,065
Total.....	(4) 149	(5) 188	(3) 1,100	12	1,437	600	109,077
XIII. TRANSPORTATION AND COMMUNICATION.							
Coal handling.....	(1) 100			1	100		1,100
Livery men.....			(1) 100	1	100		5,700
Marine transportation.....	(1) 1,000			1	1,000		12,000
Street railway.....			(1) 44	1	44		176
Total.....	(2) 1,100		(2) 144	4	1,244		18,976
GRAND TOTAL.....	(16) 15,872	(8) 387	(6) 1,369	30	17,628	27,748	703,730

## VI. EMPLOYMENT OF PARTICULAR PERSONS.

<b>III. WOOD MANUFACTURES.</b>						
Cigar boxes.....	(1)	18		1	18	18
<b>VI. PAPER AND PULP.</b>						
Paper mill.....	(1)	300		1	300	1,050
<b>VIII. TEXTILES.</b>						
Silk gloves.....	(1)	30		1	30	60
<b>IX. CLOTHING, ETC.</b>						
Cloaks.....	(1)	48		1	48	500
<b>GRAND TOTAL.....</b>	<b>(3)</b>	<b>96 (1)</b>	<b>300</b>	<b>4</b>	<b>396</b>	<b>1,628</b>



Table III.—Causes of Disputes, Combined with Results—Continued.

(Figures parenthesized indicate number of disputes.)

INDUSTRIES.	NUMBER OF DISPUTES, WITH NUMBER OF EMPLOYEES DIRECTLY CONCERNED, WON BY—				TOTAL NUMBER OF—		
	Employers.	Workmen.	Neither side.	Disputes.	EMPLOYEES CONCERNED.		Days' work lost by those directly concerned.
					Directly.	Indirectly.	
VII. WORKING ARRANGEMENTS.							
VI. PAPER AND PULP.							
Paper mill.....	(1)	12		1	12		30
VIII. TEXTILES.							
Bleachery .....	(1)	14		1	14		294
Crash.....	(1)	33		1	33		66
Total.....	(2)	47		2	47		360
X. FOOD, ETC.							
Bakeries.....	(1)	114		1	114		4,788
XII. BUILDING INDUSTRY.							
Bricklaying.....			(1)	150	1	125	1,690
XIII. TRANSPORTATION.							
Marine transportation.....	(1)	1,200		1	1,200		48,000
GRAND TOTAL.....	(4)	1,361	(1)	12	150	1,523	54,868
VIII. PAYMENT OF WAGES.							
VI. PAPER AND PULP.							
Paper mill.....	(1)	30		1	30		10
XII. BUILDING INDUSTRY.							
Water works contracting.....	(1)	65		1	65		195
GRAND TOTAL.....	(2)	95		2	95		205
IX. SYMPATHETIC.							
II. METALS, MACHINERY AND APPARATUS.							
Ship-building.....	(1)	250		1	250	400	2,500
X. FOOD, TOBACCO AND LIQUORS.							
Butchering and meat packing.....	(1)	1,018		1	1,018		35,322
XII. BUILDING INDUSTRY.							
Bricklaying.....	(1)	350		1	350	1,000	6,650
GRAND TOTAL.....	(3)	1,618		3	1,618	1,400	44,472
X. MISCELLANEOUS.							
II. METALS, MACHINERY AND APPARATUS.							
Coaster brakes.....			(1)	13	1	13	91
IV. LEATHER AND RUBBER GOODS.							
Button works.....	(1)	30		1	30		1,080

Table III.—Causes of Disputes, Combined with Results—Concluded.

(Figures parenthesised indicate number of disputes.)

INDUSTRIES.	NUMBER OF DISPUTES, WITH NUMBER OF EMPLOYEES DIRECTLY CONCERNED, WON BY—			TOTAL NUMBER OF—			
				Disputes.	EMPLOYEES CONCERNED.		Days' work lost by those directly concerned.
	Employers.	Workmen.	Neither side.		Directly.	Indirectly.	
X. MISCELLANEOUS—Continued.							
VII. PRINTING, ETC.							
Lithography.....			(1) 2,118	1	2,118		63,540
X. FOOD, TOBACCO AND LIQUORS.							
Cigars.....		(1) 14		1	14		14
XII. BUILDING INDUSTRY.							
Building.....			(1) *11,232	1	11,232	1,778	400,000
Paving.....	(1)	100		1	100		300
Plumbing.....	(1)	120		1	120		6,840
Total.....	(2)	220	(1) 11,232	3	11,452	1,778	407,140
GRAND TOTAL.....	(1) 30	(3) 234	(3) 13,363	7	13,627	1,778	471,865

\*Pending at the close of the year.

TABLE IV.—RESULTS

INDUSTRIES.	WON					
	EMPLOYERS.				Dis- putes.	Estab- lish- ments.
	Dis- putes.	Estab- lish- ments.	Employ- ees di- rectly affected.	Days lost by those directly affected.		
<b>I. STONE AND CLAY PRODUCTS.</b>						
Cement.....	2	3	510	5,070	.....	.....
<b>II. METALS, MACHINERY AND APPAR- ATUS.</b>						
Metal goods:						
Diamond cutting.....	1	1	75	2,000	.....	.....
Tin-foil.....	1	4	120	9,600	.....	.....
Watch-cases.....						
Iron and steel products:						
Boilers.....	1	33	1,400	80,000	1	1
Elevator construction.....	1	1	20	220	.....	.....
Engines.....	1	1	50	900	1	1
Foundries.....						
Horseshoeing.....						
Iron mine.....						
Rolling mill.....					1	1
Pumps.....						
Wagon springs.....	1	1	12	120	.....	.....
Conveyances, instruments and appar- atus:						
Vehicles and parts.....	1	1	800	800	1	5
Electrical apparatus.....	3	4	347	10,323	.....	.....
Shipbuilding.....	1	1	115	3,800	.....	.....
Pianos.....						
Total.....	11	47	2,939	107,763	4	8
<b>III. WOOD MANUFACTURES.</b>						
Boxes.....	1	1	18	18	.....	.....
Cooperage.....					1	5
Planing mills.....						
Total.....	1	1	18	18	1	5
<b>IV. LEATHER AND RUBBER GOODS.</b>						
Brushes.....	1	1	25	425	.....	.....
Buttons.....	1	1	30	1,080	1	1
Gloves.....	1	1	600	90,000	.....	.....
Shoe trimmings.....	1	1	78	10,000	.....	.....
Tannery.....	1	1	21	105	.....	.....
Total.....	5	5	754	101,610	1	1
<b>V. CHEMICALS, OILS AND EXPLOSIVES.</b>						
Potash.....	1	1	75	525	.....	.....
<b>VI. PAPER AND PULP.</b>						
Paper mill.....	1	1	105	945	3	3
Rag sorting.....					1	1
Total.....	1	1	105	945	4	4
<b>VII. PRINTING AND PAPER GOODS.</b>						
Hat tip printing.....	1	14	58	3,132	.....	.....
Jewelry cases.....	1	1	15	795	.....	.....
Lithography.....						
Printing and binding.....	2	2	37	962	.....	.....
Total.....	4	17	110	4,889	.....	.....

## OF DISPUTES.

BY—		COMPROMISED.				GRAND TOTAL.			
WORKERS.									
Employ-ees di-rectly affected.	Days lost by those directly affected.	Dis-putes.	Estab-lish-ments.	Employ-ees di-rectly affected.	Days lost by those directly affected.	Dis-putes.	Estab-lish-ments.	Employ-ees di-rectly affected.	Days lost by those directly affected.
						2	3	510	5,070
		1	1	30	930	1	1	30	930
						1	1	75	2,000
						1	4	120	9,600
7	616					2	34	1,407	80,616
		1	13	830	7,470	1	13	830	7,470
						1	1	20	220
18	54	1	4	170	5,250	3	6	238	6,204
		1	60	80	4,320	1	60	80	4,320
		1	1	250	625	1	1	250	625
143	143					1	1	143	143
		1	1	20	80	1	1	20	80
						1	1	12	120
23	115	3	258	3,078	106,291	4	263	3,101	106,406
						1	1	800	800
						3	4	347	10,323
						1	1	115	3,800
191	928	9	338	4,458	124,966	24	393	7,588	233,657
45	23					1	1	18	18
		1	4	51	714	1	5	45	23
						1	4	51	714
45	23	1	4	51	714	3	10	114	755
40	120					1	1	25	425
						2	2	70	1,200
						1	1	600	90,000
						1	1	78	10,000
						1	1	21	105
40	120					6	6	794	101,730
						1	1	75	525
342	1,090					4	4	447	2,035
38	1,064					1	1	38	1,064
380	2,154					5	5	485	3,099
						1	14	58	3,132
						1	1	15	795
		1	1	2,118	63,540	1	1	2,118	63,540
						2	2	87	962
		1	1	2,118	63,540	5	18	2,228	68,429

Table IV.—Concluded.

INDUSTRIES.	WOMEN					
	EMPLOYERS.					
	Dis- putes.	Estab- lish- ments.	Emple- ees di- rectly affected.	Days lost by those directly affected.	Dis- putes.	Estab- lish- ments.
VIII. TEXTILES.						
Bleachery.....	1	1	14	294		
Crash.....	1	1	33	66		
Knitting.....	3	3	67	258		
Lace.....						
Silk.....	1	1	30	60		
Total.....	6	6	144	678		
IX. CLOTHING, MILLINERY AND LAUN- DRY.						
Caps and hats.....	1	1	213	1,917		
Clothing (men's).....	3	17	12,051	417,440		
Clothing (women's).....	1	1	48	500		
Shirts.....						
Suspenders.....	1	1	22	1,738		
Total.....	6	20	12,334	421,595		
X. FOOD, TOBACCO AND LIQUORS.						
Bakeries.....	1	32	114	4,788		
Butchering and meat packing.....	2	10	1,037	35,550		
Canning.....	1	1	10	10		
Cigars.....	1	2	35	1,680	1	1
Flour and cereals.....	1	*	40	1,200		
Total.....	6	45	1,236	43,228	1	1
XII. BUILDING INDUSTRY.						
Bricklayers and masons.....	4	40	610	14,670		
Building (general).....	1	1	55	330	1	1
Carpentry.....	3	22	109	2,122	5	21
Electrical construction.....						
Excavating and dredging.....	2	2	149	1,186	3	3
House wrecking.....						
Lathing.....					1	*
Painting.....	1	21	140	4,000	1	*
Paving.....					2	2
Plumbing and tinsmithing.....					1	1
Tile laying.....	1	3	20	2,040		
Total.....	12	89	1,083	24,348	14	28
XIII. TRANSPORTATION AND COM- MUNICATION.						
Grain elevators.....	1	1	70	210		
Ice harvesting.....	1	3	43	1,075	1	30
Liverymen.....	3	9	3,200	105,000		
Marine transportation.....	1	1	335	1,675		
Steam railroad.....						
Street railroad.....	3	2	364	2,878		
Teaming and trucking.....						
Total.....	9	16	4,012	110,838	1	30
GRAND TOTAL.....	64	251	23,320	821,507	26	77

\* Not reported.

**BUREAU OF MEDIATION AND ARBITRATION, 1904. II.51**

**Results of Disputes.**

BY—		COMPROMISED.				GRAND TOTAL.			
WORKERS.									
Employ-ees di-rectly af-fected.	Days lost by those di-rectly af-fected.	Dis-putes.	Estab-lish-ments.	Employ-ees di-rectly af-fected.	Days lost by those di-rectly af-fected.	Dis-putes.	Estab-lish-ments.	Employ-ees di-rectly af-fected.	Days lost by those di-rectly af-fected.
						1	1	14	294
						1	1	33	66
		1	1	14	42	4	4	81	300
		1	1	23	138	1	1	23	138
		1	1	180	8,820	2	2	210	8,880
		3	3	217	9,000	9	9	361	9,678
		1	1	125	7,500	2	2	338	9,417
						3	17	12,051	417,440
						1	1	48	500
		1	1	24	192	1	1	24	192
						1	1	22	1,738
		2	2	149	7,692	8	22	12,483	429,287
						1	32	114	4,788
						2	10	1,037	35,550
						1	1	10	10
14	14					2	3	49	1,694
						1	*	40	1,200
14	14					7	46	1,250	43,242
		2	14	10,050	268,870	6	54	10,660	283,540
20	100	1	*	11,232	400,000	3	2	11,307	400,430
475	3,985	2	17	218	2,616	10	60	802	8,723
		1	12	100	6,400	1	12	100	6,400
230	975					5	5	379	2,161
		1	3	500	6,500	1	3	500	6,500
212	424					1	*	212	424
35	378	3	19	227	3,957	5	40	402	8,335
143	365	1	8	500	92,000	3	10	643	92,365
120	6,840	3	6	124	6,600	4	7	244	13,440
						1	3	20	2,040
1,235	13,067	14	79	22,951	786,943	40	196	25,269	824,358
		1	17	195	1,560	1	17	195	1,560
						1	1	70	210
1,750	2,250	1	20	100	5,700	3	53	1,893	9,025
						3	9	3,200	105,000
						1	1	335	1,576
		1	1	44	178	1	1	44	176
		1	9	50	200	4	11	414	3,078
1,750	2,250	4	47	389	7,636	14	93	6,151	120,724
3,655	18,556	34	474	30,333	1,000,491	124	802	57,308	1,840,554

\* Not reported.

**TABLE V.—MODE OF**  
(Parenthesized figures indicate

INDUSTRIES.	NUMBER OF WORKERS	
	By direct negotiations.	By return to work on employer's terms.
<b>I. STONE AND CLAY PRODUCTS.</b>		
Cement works.....	(2)	510
<b>II. METALS, MACHINERY AND APPARATUS.</b>		
Metal goods:		
Diamond cutting.....	(1) 30	(1) 75
Tin-foil mill.....	(1)	120
Watch-case makers.....		
Iron and steel products:		
Boilers.....	(1) 14	(1) 1,400
Elevator construction.....	(1) 830	(1) 20
Engine works.....	(1) 28	
Foundries.....	(1) 80	
Horseshoeing.....	(1)	
Iron mine.....	(1) 263	
Rolling mill.....	(1) 20	
Pump works.....		
Wagon spring factory.....		
Conveyances, instruments and apparatus:		
Vehicles and parts.....	(4) 3,101	(1) 800
Electrical works.....	(1) 30	(2) 737
Shipbuilding.....		
Pianos.....		
Total.....	(12) 4,396	(7) 3,152
<b>III. WOOD MANUFACTURES.</b>		
Boxes.....	(1) 45	
Cooperage.....	(1) 56	
Planing mills.....		
Total.....	(2) 101	
<b>IV. LEATHER AND RUBBER GOODS.</b>		
Brushes.....	(1)	30
Buttons.....	(1) 40	(1) 30
Gloves.....	(1)	2,600
Shoe trimmings.....		
Tannery.....		
Total.....	(1) 40	(3) 2,660
<b>V. CHEMICALS, OILS AND EXPLOSIVES.</b>		
Potash.....	(1)	75
<b>VI. PAPER AND PULP.</b>		
Paper mill.....	(2) 42	
Rag sorting.....	(1) 38	
Total.....	(3) 80	
<b>VII. PRINTING AND PAPER GOODS.</b>		
Hat tip printing.....	(1)	58
Jewelry cases.....		
Lithographing.....		
Printing and binding.....		
Total.....	(1)	58

## SETTLEMENT OF DISPUTES.

(the number of disputes.)

## DIRECTLY AND INDIRECTLY AFFECTED BY DISPUTES WHICH WERE SETTLED—

By replace- ment of workers.	By mediation or conciliation.	BY ARBITRATION OF—		Mode of settlement not reported.	Total.
		Trade boards.	Individuals.		
.....	.....	.....	.....	.....	(2) 510
.....	.....	.....	.....	.....	(1) 30
.....	.....	.....	.....	.....	(1) 75
.....	.....	.....	.....	.....	(1) 120
.....	.....	.....	.....	.....	(2) 1,414
.....	.....	.....	.....	.....	(1) 830
.....	.....	.....	.....	.....	(1) 20
(2) 312	.....	.....	.....	.....	(3) 340
.....	.....	.....	.....	.....	(1) 80
.....	(1) 500	.....	.....	.....	(1) 500
.....	.....	.....	.....	.....	(1) 263
.....	.....	.....	.....	.....	(1) 20
(1) 40	.....	.....	.....	.....	(1) 40
.....	.....	.....	.....	.....	(4) 3,101
.....	.....	.....	.....	.....	(1) 800
(1) 115	.....	.....	.....	.....	(3) 767
.....	.....	.....	.....	.....	(1) 115
(4) 467	(1) 500	.....	.....	.....	(24) 8,515
.....	.....	.....	.....	.....	.....
(1) 18	.....	.....	.....	.....	(1) 18
.....	.....	.....	.....	.....	(1) 45
.....	.....	.....	.....	.....	(1) 56
(1) 18	.....	.....	.....	.....	(3) 119
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	(1) 30
.....	.....	.....	.....	.....	(2) 70
(1) 78	.....	.....	.....	.....	(1) 2,600
(1) 21	.....	.....	.....	.....	(1) 78
.....	.....	.....	.....	.....	(1) 21
(2) 99	.....	.....	.....	.....	(6) 2,799
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	(1) 75
.....	.....	.....	.....	.....	.....
(1) 105	.....	.....	(1) 300	.....	(4) 447
.....	.....	.....	.....	.....	(1) 38
(1) 105	.....	.....	(1) 300	.....	(5) 485
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	(1) 58
(1) 15	.....	.....	.....	.....	(1) 15
.....	(1) 2,118	.....	.....	.....	(1) 2,118
(2) 37	.....	.....	.....	.....	(2) 37
(3) 52	(1) 2,118	.....	.....	.....	(5) 2,228



# II.54 NEW YORK STATE DEPARTMENT OF LABOR.

Table V.—Concluded.

(Parenthesized figures indicate

INDUSTRIES.	NUMBER OF WORKERS			
	By direct negotiations.		By return to work on employer's terms.	
VIII. TEXTILES.				
Bleachery.....	(1)	33		
Crash.....	(1)	14	(1)	42
Knitting.....	(1)	23		
Lace.....	(2)	370		
Silk.....				
Total.....	(5)	440	(1)	42
IX. CLOTHING, MILLINERY, LAUNDRY.				
Caps and hats.....	(1)	125	(1)	323
Clothing (men's).....			(1)	36,632
Clothing (women's).....				
Shirts.....	(1)	54		
Suspenders.....				
Total.....	(2)	179	(2)	36,955
X. FOOD, TOBACCO AND LIQUORS.				
Bakeries.....				
Butchering and meat packing.....			(1)	1,018
Canning.....				
Cigars.....	(1)	14		
Flour and cereals.....			(1)	40
Total.....	(1)	14	(2)	1,058
XII. BUILDING INDUSTRY.				
Bricklaying and masonry.....	(1)	275	(3)	1,825
Building industry.....	(1)	20		
Carpentry.....	(6)	643		
Electrical construction.....	(1)	100		
Excavating and dredging.....	(3)	230		
House wrecking.....	(1)	500		
Lathing.....	(1)	212		
Painting.....	(4)	262		
Paving.....	(3)	1,143		
Plumbing and tinsmithing.....	(4)	304		
Tile laying.....	(1)	20		
Total.....	(26)	3,709	(3)	1,825
XIII. TRANSPORTATION AND COMMUNICATION.				
Grain elevator.....	(1)	795		
Ice harvesting.....			(1)	150
Liverymen.....	(2)	1,850		
Marine transportation.....			(3)	13,200
Steam railroad.....			(1)	335
Street railroad.....				
Teaming and trucking.....	(1)	250	(2)	114
Total.....	(4)	2,895	(7)	13,799
GRAND TOTAL.....	(56)	11,854	(29)	60,134

# BUREAU OF MEDIATION AND ARBITRATION, 1904. II.55

the number of disputes.)

Mode of Settlement of Disputes.

DIRECTLY AND INDIRECTLY AFFECTED BY DISPUTES WHICH WERE SETTLED—

By replace- ment of workers.	By mediation or conciliation.	BY ARBITRATION OF—		Mode of settlement not reported.	Total.
		Trade boards.	Individuals.		
(1) 14				(1) 14	14
(2) 35				(1) 33	33
				(4) 91	91
				(1) 23	23
				(2) 370	370
(3) 49				(9) 531	531
(2) 419				(2) 448	448
(1) 48				(3) 37,051	37,051
				(1) 48	48
(1) 22				(1) 54	54
				(1) 22	22
(4) 489				(8) 37,623	37,623
(1) 114				(1) 114	114
(1) 19				(2) 1,037	1,037
(1) 10				(1) 10	10
(1) 48				(2) 62	62
				(1) 40	40
(4) 191				(7) 1,263	1,263
(1) 140		(1) 18,359		(6) 20,599	20,599
(1) 55				(1) 13,010	13,010
(4) 159				(3) 13,085	13,085
				(10) 802	802
(1) 76				(1) 100	100
				(5) 387	387
				(1) 500	500
(1) 140				(1) 212	212
				(5) 402	402
				(3) 1,143	1,143
				(4) 304	304
				(1) 20	20
(8) 570		(1) 18,359		(2) 13,091	13,091
				(40) 37,554	37,554
				(1) 795	795
(1) 43				(1) 150	150
				(3) 1,893	1,893
				(3) 13,200	13,200
				(1) 235	235
	(1) 44			(1) 44	44
	(1) 50			(4) 414	414
(1) 43	(2) 94			(14) 16,831	16,831
(31) 2,083	(4) 2,712	(1) 18,359	(1) 300	(2) 13,091	13,091
				(124) 108,533	108,533

TABLE VI.—INDUSTRIAL DISPUTES, BY CITIES AND

LOCALITY.	Number of disputes.	ESTABLISHMENTS.*		WORKERS AFFECTED.		AGGREGATE DAYS LOST.		
		In-volved.	Closed.	Directly.	Indirectly.	Directly.	Indirectly.	Total.
Albany.....	2	21	20	175	.....	6,225	.....	6,225
Amsterdam.....	1	1	.....	40	.....	120	.....	120
Auburn.....	2	8	7	60	.....	310	.....	310
Au Sable Forks.....	1	1	.....	105	.....	945	.....	945
Binghamton.....	3	3	1	52	55	132	275	407
Binnewater and Eddyville.....	1	2	2	500	.....	5,000	.....	5,000
Buffalo.....	12	136	70	2,380	12,228	85,323	488,840	571,163
Buffalo, New York & Rochester..	1	1	1	2,118	.....	63,540	.....	63,540
Canandaigua.....	1	14	12	65	.....	520	.....	520
Coeysmans.....	1	1	1	70	80	310	240	450
Cohoes.....	3	10	10	261	120	1,159	120	1,279
Corning.....	1	1	1	60	.....	240	.....	240
Cortland.....	1	6	1	14	.....	1,680	.....	1,680
Dunkirk.....	1	.....	.....	50	.....	1,500	.....	1,500
Eddyville (see Binnewater).	.....	.....	.....	.....	.....	.....	.....	.....
Eddyville.....	1	1	.....	10	.....	70	.....	70
Elmira.....	1	1	.....	18	.....	91	.....	91
Fort Edward.....	1	1	.....	12	.....	30	.....	30
Fultonville.....	1	1	.....	30	.....	60	.....	60
Glens Falls.....	1	1	1	300	.....	1,050	.....	1,050
Gloversville and Johnstown.....	1	1	1	600	2,000	90,000	300,000	390,000
Gouverneur.....	1	1	.....	23	.....	138	.....	138
Green Island.....	1	1	.....	13	.....	78	.....	78
Hagaman.....	1	1	.....	14	.....	42	.....	42
Herkimer.....	1	1	.....	16	.....	928	.....	928
Hudson.....	1	1	.....	65	.....	195	.....	195
Ilion.....	1	6	6	53	.....	954	.....	954
Islip.....	1	6	4	75	.....	375	.....	375
Jamestown.....	1	12	1	81	.....	2,025	.....	2,025
Johnstown (see Gloversville).	.....	.....	.....	.....	.....	.....	.....	.....
Kingston.....	1	1	.....	24	30	192	240	432
Lockport.....	2	6	6	78	.....	89	.....	89
Lyon Mountain.....	1	1	1	250	250	625	250	875
Middletown.....	1	1	.....	21	.....	105	.....	105
Mount Vernon.....	1	15	.....	40	.....	240	.....	240
Newburgh.....	4	19	17	304	.....	3,902	.....	3,902
New York City.....	42	386	345	46,600	36,080	1,490,849	866,090	2,356,939
(See also Buffalo.)	.....	.....	.....	.....	.....	.....	.....	.....
Oswego.....	1	1	.....	40	100	120	300	420
Rochester.....	8	74	.....	1,021	.....	55,188	.....	55,188
Rochester (see also Buffalo).	.....	.....	.....	.....	.....	.....	.....	.....
Rock City Falls.....	1	1	1	30	.....	10	.....	10
Schenectady.....	2	22	.....	940	.....	4,800	.....	4,800
Syracuse.....	3	7	6	90	28	565	280	845
Troy.....	3	2	2	125	17	3,125	301	3,426
Utica.....	4	7	.....	231	97	6,046	3,746	9,792
Walden.....	2	2	.....	40	.....	300	.....	300
Watervliet.....	2	5	4	69	15	708	100	808
Yonkers.....	1	13	13	150	125	1,600	1,125	2,515
Total.....	124	802	534	57,308	51,225	1,840,554	1,658,907	3,499,461

\*Or associations

TOWNS, OCTOBER 1, 1903, TO SEPTEMBER 30, 1904.

## CAUSES OF DISPUTES.

1. INCREASE OF WAGES.		2. REDUCTION OF WAGES.		3. REDUCTION OF HOURS.		4. LONGER HOURS.		5. TRADE UNIONISM.	
Dis- putes.	Workers directly affected.	Dis- putes.	Workers directly affected.	Dis- putes.	Workers directly affected.	Dis- putes.	Workers directly affected.	Dis- putes.	Workers directly affected.
.....	.....	.....	.....	1	75	.....	.....	1	100
1	40	.....	.....	1	.....	.....	.....	.....	.....
2	60	.....	.....	1	105	.....	.....	.....	.....
1	20	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	1	500	.....	.....	.....	.....	1	100
9	1,680	.....	.....	.....	.....	.....	.....	.....	.....
1	65	.....	.....	.....	.....	.....	.....	.....	.....
1	70	.....	.....	.....	.....	.....	.....	.....	.....
2	118	.....	.....	.....	.....	.....	.....	1	143
1	14	.....	.....	.....	.....	.....	.....	1	60
.....	.....	.....	.....	.....	.....	.....	.....	1	50
.....	.....	1	10	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	1	600
1	23	.....	.....	.....	.....	.....	.....	.....	.....
1	14	1	13	.....	.....	.....	.....	1	16
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1	75	.....	.....	.....	.....	.....	.....	1	53
1	.....	.....	.....	1	81	.....	.....	.....	.....
.....	.....	1	24	.....	.....	.....	.....	.....	.....
1	45	.....	.....	.....	.....	.....	.....	.....	.....
1	250	.....	.....	.....	.....	.....	.....	.....	.....
1	21	.....	.....	.....	.....	.....	.....	1	40
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2	246	.....	.....	.....	.....	.....	.....	1	44
16	6,952	5	10,430	1	76	.....	.....	14	15,424
.....	.....	.....	.....	.....	.....	.....	.....	1	40
1	78	.....	.....	2	665	1	19	2	115
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1	140	.....	.....	.....	.....	.....	.....	1	800
.....	.....	1	12	1	23	1	55	.....	.....
2	100	.....	.....	.....	.....	.....	.....	1	25
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2	54	1	170	1	7	.....	.....	.....	.....
1	20	1	20	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	1	51	.....	.....	1	18
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
49	10,085	12	11,179	9	1,083	2	74	30	17,628

of employers.

Table VI.—Concluded.

LOCALITY.	CAUSES OF DISPUTES.							
	6. PARTICULAR PERSONS.		7. WORKING ARRANGEMENTS.		8. PAYMENT OF WAGES.		9. SYMPATHETIC.	
	Dis-putes.	Workers directly affected.	Dis-putes.	Workers directly affected.	Dis-putes.	Workers directly affected.	Dis-putes.	Workers directly affected.
Albany.....								
Amsterdam.....								
Auburn.....								
Au Sable Forks.....								
Binghamton.....	1	18						
Binnewater and Eddyville.....								
Buffalo.....							2	600
Buffalo, New York and Rochester.....								
Canandaigua.....								
Coeymans.....								
Cohoes.....								
Corning.....								
Cortland.....								
Dunkirk.....								
Eddyville (see Binnewater).....								
Eddyville.....								
Elmira.....								
Fort Edward.....			1	12				
Fultonville.....	1	30						
Glens Falls.....	1	300						
Gloversville and Johnstown.....								
Gouverneur.....								
Green Island.....								
Hagaman.....								
Herkimer.....								
Hudson.....					1	65		
Ilion.....								
Islip.....								
Jamestown.....								
Johnstown (see Gloversville).....								
Kingston.....								
Lockport.....			1	33				
Lyon Mountain.....								
Middletown.....								
Mount Vernon.....								
Newburgh.....			1	14				
New York City.....	1	48	1	1,200			1	1,018
(See also Buffalo.).....								
Oswego.....								
Rochester.....			1	114				
Rochester (see also Buffalo).....								
Rock City Falls.....					1	30		
Schenectady.....								
Syracuse.....								
Troy.....								
Utica.....								
Walden.....								
Watervliet.....								
Yonkers.....			1	150				
Total.....	4	396	6	1,523	2	95	3	1,618

## Industrial Disputes by Cities and Towns.

10. MISCELLANEOUS.		TOTAL.		RESULTS.							
				IN FAVOR OF—				COMPROMISED.			
				EMPLOYERS.		WORKERS.		Dis- putes.	Workers directly affected.	Dis- putes.	Workers directly affected.
				Dis- putes.	Workers directly affected.	Dis- putes.	Workers directly affected.				
.....	.....	2	175	1	75	.....	.....	1	100	.....	.....
.....	.....	1	40	.....	.....	1	40	.....	.....	.....	.....
.....	.....	2	60	1	10	.....	.....	1	50	.....	.....
.....	.....	1	105	1	105	.....	.....	.....	.....	.....	.....
1	14	3	52	2	38	1	14	.....	.....	.....	.....
.....	.....	1	500	1	500	.....	.....	.....	.....	.....	.....
.....	.....	12	2,380	9	2,005	.....	.....	3	375	.....	.....
1	2,118	1	2,118	.....	.....	.....	.....	1	2,118	.....	.....
.....	.....	1	65	.....	.....	1	65	.....	.....	.....	.....
.....	.....	1	70	1	70	.....	.....	.....	.....	.....	.....
.....	.....	3	281	.....	.....	1	143	2	118	.....	.....
.....	.....	1	60	.....	.....	1	60	.....	.....	.....	.....
.....	.....	1	14	.....	.....	.....	.....	1	14	.....	.....
.....	.....	1	50	.....	.....	1	50	.....	.....	.....	.....
.....	.....	1	10	1	10	.....	.....	.....	.....	.....	.....
1	13	1	13	.....	.....	1	12	1	13	.....	.....
.....	.....	1	12	1	30	.....	.....	.....	.....	.....	.....
.....	.....	1	30	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	1	300	.....	.....	1	300	.....	.....	.....	.....
.....	.....	1	600	1	600	.....	.....	.....	.....	.....	.....
.....	.....	1	23	.....	.....	.....	.....	1	23	.....	.....
.....	.....	1	13	1	13	.....	.....	.....	.....	.....	.....
.....	.....	1	14	.....	.....	.....	.....	1	14	.....	.....
.....	.....	1	16	1	16	.....	.....	.....	.....	.....	.....
.....	.....	1	65	.....	.....	1	65	.....	.....	.....	.....
.....	.....	1	53	1	53	.....	.....	.....	.....	.....	.....
.....	.....	1	75	.....	.....	1	75	.....	.....	.....	.....
.....	.....	1	81	.....	.....	.....	.....	1	81	.....	.....
.....	.....	1	24	.....	.....	.....	.....	1	24	.....	.....
.....	.....	2	78	1	33	1	45	.....	.....	.....	.....
.....	.....	1	250	.....	.....	.....	.....	1	250	.....	.....
.....	.....	1	21	1	21	.....	.....	.....	.....	.....	.....
.....	.....	1	40	1	40	.....	.....	.....	.....	.....	.....
.....	.....	4	304	1	14	.....	.....	3	290	.....	.....
8	11,452	42	46,600	22	17,750	10	2,693	10	26,157	.....	.....
.....	.....	1	40	1	40	.....	.....	.....	.....	.....	.....
1	30	8	1,021	6	741	1	15	1	265	.....	.....
.....	.....	1	30	.....	.....	1	30	.....	.....	.....	.....
.....	.....	2	940	2	940	.....	.....	.....	.....	.....	.....
.....	.....	3	90	2	67	1	23	.....	.....	.....	.....
.....	.....	3	125	2	75	.....	.....	1	50	.....	.....
.....	.....	4	281	2	54	1	7	1	170	.....	.....
.....	.....	2	40	1	20	.....	.....	1	20	.....	.....
.....	.....	2	69	.....	.....	1	18	1	51	.....	.....
.....	.....	1	150	.....	.....	.....	.....	1	150	.....	.....
7	13,637	124	57,308	64	23,320	26	3,655	34	30,333	.....	.....



### **III**

#### **PARTICULARS OF IMPORTANT DISPUTES.**

As the essential facts concerning each dispute recorded in 1904 have been given in Table I of the preceding chapter, the following text is introduced only for the purpose of furnishing additional information respecting the more important disputes of the year. Every dispute is described which caused the loss of 10,000 working days, or upwards (see table, page 15) as well as the eight disputes that the Board of Mediation and Arbitration investigated or attempted to bring to an amicable settlement. In addition to the description of these 26 disputes there appears an account of the important arbitration of the question of the Saturday half-holiday for book and job compositors of New York City.

#### **BUILDING TRADES.**

##### **BUFFALO ELECTRICAL WORKERS.**

On January 4th about 100 electrical workers, members of local union No. 41 of Buffalo stopped work. The employers claimed the men struck, while the union claimed men were locked out. On January 10th Deputy Commissioner Lundrigan began an investigation and with a view to bring about settlement, a conference was had with representatives of both employers and employees, and the union and the contractors' association collectively. He found that a working arrangement between local No. 41 and each of the individual electrical contractors had been in existence for nearly two years and would not expire until May, 1904.

It appeared that about December 25th employers, or all who are members of the Electrical Contractors' Association, had through such association requested the appointment of a local arbitration board, which was provided for in the several arrangements existing, giving as a reason for convening such arbitration board, that the union had violated certain clauses of the arrangement. The union declined to recognize the association as a party to the contract and therefore refused to appoint a member of the arbitration board as requested, stipulating, however, that if such request be made by any individual firm or contractor, it would be complied with. Correspondence between the union and the asso-



ciation from December 25, 1903, to January 2, 1904, would indicate that the contractors or employers were insisting on the recognition of the association as representing them in their dealings with the union and the union was maintaining an attitude of refusal to recognize such association. The employers claimed that the union acquiesced in the proposition to terminate existing contracts or arrangements at this time, but the union insisted that such was not the case, for the reason that no contract existed between the union and the association.

About January 1st each individual member of the union working for individual firms or employers who make up the association, received a letter from his employer, stating that after January 4th, said employer reserved the right to conduct an open shop, that is, to employ whom he saw fit, without reference to whether he was a member of the union or not. The union regarded this as a violation of the working agreement which they claimed to exist, and ordered its members to refuse to work for members of the association until such times as the questions in dispute were adjusted. On January 11th certain other trades in the building industry, namely, hoisting engineers, steam-fitters and plumbers employed on the new Hengerer building and the Lafayette hotel stopped work in sympathy with the strikers.

After a thorough investigation on behalf of the State Board of Mediation and Arbitration, Deputy Commissioner Lundrigan found the disposition of both parties to be that each regarded the position of the other as untenable, and so far as the union was concerned an unwillingness to consider any proposition other than a return to the relations existing before the stoppage of work. After several conferences, the strike was finally settled March 17th, and the following arrangement entered into, which was signed by the president and secretary of the association and president and secretary of the Electrical Workers' Union; this arrangement to remain in force until January 4, 1906:

The wage rate to be the same as the old arrangement, \$3.00 per day; eight hours to constitute a day's work.

On January 1, 1906, the wage rate for that year will be settled by arbitration. During the years 1905 and 1906, no strike or lockout can take place.

The association agrees to hire in the future only union men. All overtime work to be on the same basis as day work. The association to have the privilege of employing in the shop one apprentice who will serve one year before he is eligible to become a helper.

Each employer to have a number of helpers equal to half the journeymen employed.

All differences to be settled by arbitration; the arbitration board to consist of two members of the association and two members of the union, they to select the fifth, if necessary. The decision of the board to be final and binding on both parties to the agreement.

#### BUFFALO MASONS AND BRICKLAYERS.

On February 20, 1904, at a joint meeting of representatives of the Mason Builders' Association of Buffalo and of Stone Masons' Union No. 36 of the Bricklayers and Masons' International Union, the union's representatives presented a request for an advance in wages on May 1, from 45 cents per hour, as in existing agreements which would expire on May 1, to 50 cents per hour. Upon this request the unanimous decision of the masters was that it could not be granted, and a number of conferences which were held between representatives of the two organizations served only to make clear the persistence of each side in its original position. Finally on May 2 the stone masons resorted to a strike to enforce their demands to which the response of the employers was simply a reiteration, at a meeting held in the forenoon of the day of the strike, of their determination not to grant the increase.

Very soon after the inauguration of the strike an effort at settlement was made by Deputy Commissioner of Labor Lundrigan representing the State Board of Mediation and Arbitration. He succeeded in arranging a conference on May 6 between the arbitration committee of the Mason Builders' Association and the strike committee of the stone masons, Mr. Lundrigan being present. After protracted discussion, however, the conference ended in failure as neither party would make concessions, and within a few days the strike was extended to all members of the stone masons' union, both those who had been receiving 50 cents as well as those at 45 cents an hour, this move being practically in retaliation for the action of the Mason Builders' Association which at the beginning of the strike laid off the members of the union to whom they were then paying the 50 cent rate. Altogether about 200 stone masons, including practically all of those working for large contractors, took part in the strike while 200 others were thrown out of work by it.

In order to get along without the work of stone masons the masters resorted to the substitution of concrete foundations in place of stone. In this, however, they met with opposition from the union bricklayers, who are affiliated with the same national organization as the stone masons, those in Buffalo being members of No. 45 of the Bricklayers and Masons' International Union.

Against this action the masters vigorously protested and the development of this new controversy may be seen in the following correspondence during the latter part of May:

BRICKLAYERS' UNION No. 45, B. AND M. I. U.

BUFFALO, May 13, 1904.

Mr. JAMES M. CARTER, *Secretary M. B. A.*:

DEAR SIR: It may be of interest to the members of your association to know that the members of this union will not lay brick on concrete substituted for stone during the present strike of the stonemasons.

Yours respectfully,

JOHN V. MACKEY, *Secretary No. 45, N. Y.*

BUFFALO, May 16, 1904.

Mr. JOHN MACKEY, *Secretary Bricklayers' Union No. 45, Buffalo, N. Y.*:

DEAR SIR: Replying to your letter of May 13th, would say this communication was referred to a special meeting of the Mason Builders' Association held to-day.

All of the master masons being represented at this session, the secretary was instructed to write to you saying that we do not believe the requirements of your constitution require you to make the ruling that your members will not lay brick on concrete foundations. We consider this ruling on your part decidedly arbitrary. The master masons do not dictate to the architects or owners what class of foundation shall be used in their buildings.

The members of the Mason Builders' Association therefore lay such foundations as decreed by architects and owners and shall demand that the members of your union shall erect brick on such foundations as they decree.

Yours respectfully,

JAMES M. CARTER.

BUFFALO, May 20, 1904.

Mr. J. M. CARTER, *Secretary M. B. A.*:

DEAR SIR: Your communication of the 10th was read before the members of No. 45 Wednesday evening, at the regular meeting. The secretary was instructed to write your body saying that we will live strictly up to the letter of the resolution in question. In fact, there is no other course left open for us, as we could not deliberately work against the interests of our brother members of the International Union.

Yours respectfully,

JOHN V. MACKEY, *Secretary No. 45, N. Y.*

BUFFALO, June 1, 1904.

Mr. JOHN V. MACKEY, *Secretary Bricklayers' Union No. 45*:

DEAR SIR: Your body has notified the association that the members of your union will refuse to lay brick on concrete foundations; some bricklayers have already refused to work on foundations already installed by members of this body. The carrying out of this policy by your union would eventually drive all mason contractors out of business.

The Mason Builders' Association, therefore, demand that this action on your part be rescinded and that all bricklayers be instructed to lay brick

on all classes of foundation work without discrimination and that the Mason Builders' Association be notified before Thursday morning, June 2d, at 9 A. M., that you have taken the action demanded by our association. If your union fails to conform to the above reasonable requests, the individual members of our body shall take such action as the emergency of the present conditions demand.

Yours respectfully,

JAMES M. CARTER, *Secretary*.

The threat of the last letter failing to alter the position of the bricklayers, on June 2 the Mason Builders' Association locked out all the bricklayers in their employ, some 350 in number and this action resulted in throwing out of work about 1,000 men in other building trades.

The stone masons' strike continued apparently without further negotiations between the parties until June 12. On that day, according to press reports, a conference between representatives of the union and the Masters' Association took place, but proved fruitless because the union committee had been given no power to consider any other wage rate than 50 cents per hour, which was the original demand and which the employers were in nowise inclined to concede. On the next day (June 13), however, the union held a meeting at which it voted to permit those members who wished, to return to work at the old rate of 45 cents per hour, and during the next few days there was a general resumption of work by the stone masons.

In the case of the bricklayers the dispute lasted about a week longer. On June 19, in response to a letter from the Employers' Association the Bricklayers' union at a special meeting authorized its arbitration committee to meet representatives of the employers and arrange an agreement for termination of the dispute. The conference was held on the following day (June 20). The employers demanded that the men should agree to lay brick on all work when requested so to do and to this, it appears, the men were willing to agree. But another question was brought up—the matter of transferring apprentices—upon which no agreement could be reached and the conference adjourned without having effected a settlement. On the same day, however, the following proposition as to the apprentice question was sent to the union by the employers:

BUFFALO, N. Y., June 20.

Mr. JOHN V. MACKEY, *Secretary Bricklayers' Union No. 45, Buffalo, N. Y.*:

DEAR SIRS: After the conference with the committee representing your body to-day, and after the committee had adjourned, our association gave the subject of apprentices considerable consideration.

The secretary was instructed to write you, saying this association does not believe that a contract between the two bodies would be of any material advantage to either association this year, the present season being so far advanced.

The matter of transferring apprentices we are willing to allow to be an open question until our next contract.

Yours truly,

JAMES M. CARTER, *Secretary.*

This letter was considered by the union at a meeting held on June 23, and the proposal therein was accepted, the result being a lifting of the lockout and resumption of work on the following day.

#### NEWBURGH CARPENTERS AND PAINTERS.

On January 1st of this year the organizations of carpenters and painters in Newburgh notified their respective employers of a demand for an advance in wages of 50 cents per day, to take effect April 1st. This advance was claimed as necessary to meet increased rents and higher cost of living generally.

No concessions having been made by employers in either trade, save three master painters, strikes occurred on April 1st, carpenters to the number of 150 and 96 painters going out. On the 4th and 5th State Mediator of Industrial Disputes Richard Gilleland visited Newburgh and investigated the situation. Separate interviews with employers and employees revealed a disposition on both sides to insist on their original positions without modification, the employers in both trades contending that existing conditions would not warrant any advance in wages. Finding, however, that although individual employees had talked with the bosses there had been no consultation between the latter and the men as a body, Mediator Gilleland urged that committees be appointed for conference with the employers, and both the carpenters and the painters finally agreed to send such committees to the employers.

The final termination of these disputes occurred on April 14th in case of the carpenters, and on the 20th for the painters, being brought about in each case by conferences of representatives of the union and the employers, resulting in a compromise advance of 25 cents per day in both trades.

#### NEW YORK CITY ASPHALT WORKERS.

In January, 1904, the Asphalt Workers' Union L. A. 1,796 K. of L. sent to the eight asphalt paving companies of New York

City the following union schedule for adoption for the year beginning May 1:—

NEW YORK, *January, 1904.*

The asphalt workers respectfully present the following wage scale:

FIRST: Asphalt rakers,	35	cts.	per	hour	
“ tampers,	28 $\frac{1}{8}$	“	“	“	
“ smoothers,	25	“	“	“	
“ shovelers,	21 $\frac{7}{8}$	“	“	“	
“ dumpers,	“	“	“	“	
“ laborers,	“	“	“	“	These may all be classified as laborers.
“ cement sweepers,	“	“	“	“	
“ hand roller men,	“	“	“	“	
“ surface heater men,	“	“	“	“	

Eight hours shall constitute a day's work.

SECOND. On'y members of the asphalt workers union to be employed upon laying and repairing sheet asphalt; should the union be unable to furnish men, men not in the union can be employed who shall become members of the union; but members shall be classified according to the union card they carry.

THIRD. The agent of the union shall be allowed to visit the men on the works, deliver and examine due cards, and carry out any orders of the union.

FOURTH. Non-union men shall not be a question for arbitration, but all other questions of importance, disputes or trouble that may arise shall be referred to the arbitration board, who shall give a hearing and report in one week.

FIFTH. Single time for all overtime, except for Sundays and holidays double time.

This agreement shall be binding from 1904 to 1905.

Fraternally submitted,

-R. W. ALLEN, M. W.

J. R. ANDERSON, R. S.

These terms not being agreeable to the employers the Central Federation Union, with which the asphalt workers were affiliated, in February appointed a committee of five to confer with representatives of the asphalt contractors with a view to arranging a schedule for the asphalt workers. Conferences were held up to April 4th without avail, the employers refusing to recognize the asphalt workers' union. On the 5th, 500 of the workers, together with about 500 others (including portable engineers, blue stone cutters and curb setters, pavers, rammers and teamsters) in sympathy, went on strike on the recognition issue.

At the request of the contracting firms the Central Federated Union appointed another committee of three to meet representatives of the companies in an endeavor to settle the strike. Some 17 conferences were held, which resulted, on April 25th, in a

signed agreement for arbitration of the matters in dispute, the strikers to return to work pending the decision, under the conditions existing prior to the suspension, as follows:—

Clause 1:

*April 25, 1904.*

All mechanics shall return to work, the companies agreeing to refer matters in dispute affecting the engineers to arbitration, by a board consisting of six (6) members, three (3) to be chosen by the Central Federated Union, and three (3) by the companies interested.

Clause 2:

The original cause of the strike, namely the asphalt workers' demands, shall be submitted to the arbitration board for adjustment.

There shall be no discrimination against the asphalt workers' union. Men now on strike shall return to work on conditions existing immediately prior to the strike, pending arbitration.

We hereby agree to a settlement of the pending strike on the terms in the foregoing stipulations, numbered 1 and 2.

M. M. DOLPHIN,

CONTINENTAL ASPHALT PAVING COMPANY,  
HUGO REID, *Pres.*

J. J. PALLAS, per M. D.,

SICILIAN ASPHALT PAVING COMPANY,  
H. HAGGERTY, *Sec'y.*

P. F. QUINN,  
for the C. F. U.

CRANFORD COMPANY,  
F. L. CRANFORD, *V. Prest.*

ASPHALT CONSTRUCTION COMPANY,  
P. F. KELLY.

BROOKLYN ALCATRAZ ASPHALT COMPANY,  
DAN J. MCCOY, *Treas.*

EASTERN BERMUDEZ ASPHALT PAVING COMPANY,  
THOS. W. THOMAS, *Pres.*

UVALDE ASPHALT COMPANY,  
W. T. S. CRICHFIELD.

BARBER ASPHALT COMPANY,  
WM. G. ROOT.

In accordance with this agreement work was resumed on April 26, and so ended the strike. The members of the arbitration board were all chosen from the conference committees which had negotiated the arbitration agreement and whose members' names are appended thereto above, the employers designating from their eight representatives Messrs. Haggerty, Cranford and Root as their three members on the board. On May 3 the board met and organized and were to proceed with the consideration of the questions in dispute. But on the morning of the same day a

number of workers employed by one of the firms at 113th street and Lenox avenue went on strike again. Thereupon the employers' representatives on the board refused to consider further any matters relating to the asphalt workers, asserting that the latter, by this second strike, had violated the arbitration agreement, although the members of the board for the Central Federated Union produced documents showing that the asphalt workers' union repudiated the action of those who went on strike. Upon reference of the matter to the Central Federated Union that body took the position that the asphalt workers' union was not responsible for the strike of May 3d, but upon report to that effect to the arbitration board the companies' representatives upon the latter still refused to consider the grievances of the asphalt workers on the ground that they were an irresponsible body, and after a decision in regard to the portable engineers for wages at \$24 per week and 40 cents an hour for overtime with a ten-hour day, withdrew from the board.

So far as the employers were concerned the dispute now settled down into a lockout of members of the asphalt workers' union dating approximately from May 3. The representatives of the Central Federated Union on the arbitration board, however, proceeded with the consideration of the original questions in dispute with meetings and adjournments from time to time until July 7, and reported their findings as to the matters submitted under the agreement of April 25, together with a plan for a permanent arbitration system for the asphalt paving industry which they earnestly recommended that the various paving companies should adopt and which was as follows:—

AGREEMENT BETWEEN UNIONS REPRESENTED IN THE CENTRAL FEDERATED UNION  
OF NEW YORK CITY AND THE ASPHALT PAVING COMPANIES DOING BUSINESS  
IN GREATER NEW YORK.

*This Agreement, made this .. day of .... A. D. Nineteen Hundred and Four (1904), by and between the Central Federated Union, a voluntary association of the City, County, and State of New York, and the undersigned Asphalt Paving Companies, doing business in Greater New York, hereinafter called the Companies:*

WITNESSETH: That the parties hereto, being desirous of preventing confusion and misunderstanding between the Companies and their employees, the trades engaged in the Paving Industry in Greater New York, and for the purpose of establishing a standard scale of wages, rates of pay, and conditions of employment, in the different occupations hereinafter described, and for the further purpose of establishing a method of peacefully settling disputes or differences that may arise between the Companies and their employees,



as aforesaid, and accruing hereunder, they severally and in consideration of the mutual benefits jointly agree as follows:

**FIRST:** This agreement shall govern all Unions affiliated with the Central Federated Union, whose members may be employed by the undersigned Companies doing business in Greater New York.

**SECOND:** In the event of any differences existing or disputes arising hereafter between the members of any of the Unions and the Companies, the matters in dispute shall be referred to the representatives of the other trades having members employed by the Companies, and after their careful consideration of the matters in dispute, a vote shall be taken thereon, each Union entitled to one vote, and if a majority of the representatives vote that the matters in dispute constitute a just grievance, the same shall be presented to the proper officer of the Company affected for adjustment.

**THIRD:** In the event of the failure or inability of the proper officers or representatives of the Unions to satisfactorily adjust a dispute after proper reference, in accordance with the foregoing article, the same shall be referred to a Board of Arbitration, consisting of six members, three to be chosen by and representing the Companies, and three members chosen by the Central Federated Union, representing the Unions affected. Such Board of Arbitration shall have power to adjust, settle and regulate all differences hereafter arising between the parties of this agreement. Should they be unable to decide any question, they shall call in an impartial arbitrator, whose decision shall be final. All matters submitted to the Board must be in writing, and may be handed to any member of the Board, whose duty it shall be to immediately convey notice to each of the other members.

**FOURTH:** In the event of the Companies proposing a grievance against a Union or representatives thereof, notice of the same shall be given to the representatives of the Unions, in like manner, as stated in the second article, and in the event that the matters constituting such grievance are not adjusted satisfactory to the Company or Companies affected, by the said representatives, then the same shall be referred to the Board of Arbitration as hereinbefore constituted.

**FIFTH:** All persons hereafter employed by the Companies in an industry represented by a Union associated with the Central Federated Union, shall be members of the said Union, so far as such Union can supply the Companies with capable and efficient mechanics or workmen, otherwise, the Companies may employ persons who are not members of the said Union, if, after sufficient notice to the proper representatives of the Union, they may fail or refuse or are unable to furnish the necessary number of skilled and capable mechanics or workmen. Such notice to be given by the Companies to the Unions' representatives at least twenty-four hours prior to the time when the men asked for are to begin work, and which notice should state the number of men required, the time when they are to begin work, and the place where they are to report for such work.

**SIXTH:** The Central Federated Union and its affiliated Unions shall, as far as may be possible, use all honorable means to promote the interests of the Companies, parties hereto, and to aid and assist them in securing paving contracts on reasonably profitable terms and in rendering specific performance of the requirements of such contract.

This agreement shall be in force when signed by the Arbitration Board appointed by the Central Federated Union, under the Arbitration Agreement of April 25th, 1904, and the official signatures of the Companies by their properly authorized officers, and shall remain in force for not less than one year from the date hereof.

A comparison of the findings with respect to the asphalt workers' demands shows that the same wages and hours were recommended as in the schedule presented in January, except that the rate for rakers was put at  $31\frac{1}{4}$  instead of 35 cents per hour. The findings did not cover the other points in that schedule although the proposed permanent arbitration plan contained a preference-to-unionists clause without the provision that non-unionists hired when the union could not furnish men should join the union.

The report of the union representatives on the arbitration board was not accepted by the employers and the lockout continued through the working season of 1904, except in the case of two firms—the Uvalde Asphalt Co., and the Continental Asphalt Co.—the former of which on July 6, and the latter on September 1, signed an agreement with the union in which the wage scale recommended by the incomplete arbitration board was adopted but hours were fixed at ten per day instead of eight as recommended. The signing of these agreements resulted in a resumption of work by about 150 men for the first mentioned firm in July, and 35 men for the other company in September. At the beginning of the season of 1905, the Barber Asphalt Co. signed the same agreement (February 23), placing 135 men to work at once and ultimately 400 all told. According to the Bureau's information at this writing (April, 1905), none of the other companies have signed an agreement with the union, but all resumed work with the opening of the 1905 season under the same terms of employment as those in the agreements signed by the three firms above mentioned.

#### NEW YORK CITY BRICKLAYERS' LABORERS.

At the opening of March there occurred in the constructive industry in Manhattan and The Bronx a controversy that for a time threatened to assume the proportions of the memorable building trades dispute that began in the Spring of 1903 in the first-named borough and continued until mid-July. Article 16 of the general arbitration plan that was accepted in the latter month by many trade unions, including the organizations of

bricklayers, provided "that the wages now paid in the unskilled trades shall not be reduced nor the hours increased for one year from the date of the general acceptance of this agreement. In any difficulty arising in the unskilled trades they may, through the mechanics of that particular trade, have representation in the General Arbitration Board." The Mason Builders' Association is a party to the general arbitration plan, and it was the non-observance of the provisions of Article 16 on the part of that association—a proceeding that happily was soon afterward rescinded—that caused a cessation of employment of thousands of mechanics and laborers for more than a month. At a special meeting of the Mason Builders' Association on March 1st it was unanimously—

"Resolved, That the maximum wage for laborers shall be 35 cents per hour, from 7 A. M. to 6 P. M., for six days in the week. All other time shall be considered overtime and shall be paid for at the rate of time-and-half, where men are employed specially for night and Sunday work, when they shall work eight hours for single time, and for all time over eight hours they shall be paid at the rate of time-and-half; this resolution to take effect on Friday morning, March 4, 1904."

As soon as this order was posted upon the work of the members of the employers' association, 6,275 bricklayers' helpers affiliated with the Laborers' Union Protective Society went on strike; 3,625 bricklayers were in consequence compelled to stop work, and eventually 8,459 other building mechanics and laborers were indirectly involved—thus throwing into idleness a total of 18,359 workers at the very beginning of what promised to be a prosperous season in the building line. When the general arbitration plan went into effect last year the minimum hourly scale enforced by the union of laborers was 35 cents, with an extra allowance for overtime. Their regular hours of labor were eight daily on the first five working days of the week and four on Saturday. The union was represented in the United Board of Building Trades Delegates until the dissolution of that body, and owing to this affiliation it was enabled to maintain its schedule of wages and working time; but, as stated by the laborers' official representative, when the United Board was superseded in fall of 1903 by an organization composed exclusively of delegates from unions of mechanics, some small contractors doing an inferior class of work took advantage of the fact that the bricklayers' helpers were no longer connected with a central association that could assist them in the enforcement of their scale and therefore paid less

than the union rate. The laborers claimed that the Mason Builders' Association, whose members took contracts for none but the large and better grade of work, not only attempted to reduce their wages by abolishing the overtime rate for labor performed beyond the eight-hour limit, thus deliberately violating Article 16 of the arbitration plan, but its real purpose was to increase their working time to ten hours per day. In justification of its resolve, the Mason Builders' Association asserted that about four years ago, when the rate was 33 cents per hour, it had an agreement with the Laborers' Union Protective Society, and that compact was not satisfactory in its operation to the members of the association for the reason that the union of laborers failed to uphold the stipulated rate on the jobs of contractors not associated with the employers' organization. These non-association builders were in many instances lively competitors. In making estimates these contractors, who, it was alleged, were paying laborers hourly rates that varied from 22 cents to 33 cents, had a decided advantage over the association builders, who by the terms of the agreement were obliged to pay the workers 33 cents, and so for four years business was carried on without any agreement with the laborers' society, which, the employers said, was very insistent, however, throughout that entire period, that a new agreement should be entered into, promising in such an event that the rate would be maintained. It was also stated by the organized builders that a like condition prevailed when the laborers raised the rate to 35 cents an hour, and with regard to overtime compensation some, they averred, paid double price, others price and a half, and many only single price. Hence the reason for the adoption of the resolution.

A conference, attended by the representatives of the mason builders and the bricklayers, together with a committee from the laborers' organization, was held on March 10th. The resolution passed by the employers on March 1st was discussed and the laborers stated their grievances, presenting at the same time a set of working rules. Immediately following the adjournment of the conference the Joint Arbitration Board of the Mason Builders' Association and the Bricklayers' Unions assembled, and was notified that earlier in the evening the Mason Builders' Association had rescinded the resolution of March 1st. Then the Joint Arbitration Board agreed to this proposition:

"The Mason Builders' Association, having rescinded its resolution of March 1, 1904, and referred the case to its arbitration committee, with power

to act for the association, the Joint Arbitration Board of the Mason Builders' Association and the Bricklayers' Unions agrees that the laborers shall return to work at once; the conditions of employment on each job to be restored as they existed on March 1, 1904.

"The Joint Arbitration Board will convene on Friday, March 18th, at 8 P. M., to arbitrate the questions in dispute."

The bricklayers' delegates on the board informed the laborers' union regarding the outcome of the meeting, while the members of the employers' association were instructed to place at work the laborers who had engaged in the dispute, but the latter refused to resume, declaring that the bricklayers on the arbitration board did not have credentials to represent the Laborers' Union Protective Society and therefore the action taken was not binding upon that body, which thereupon insisted upon the signing of a yearly agreement providing for the recognition of the union, the payment of 35 cents per hour, eight hours' work on each of the first five working days, the Saturday half-holiday, and double price for overtime work. Subsequently the several bricklayers' unions in the Borough of Manhattan and the Bronx voted to sustain the Laborers' Union Protective Society in its attitude, and union bricklayers declined to take material from members of a rival union of laborers who had been employed on some jobs.

In the meantime contractors and mechanics in other branches of the building industry endeavored to bring about an adjustment of the differences so that business could be resumed before the season had advanced too far. The Arbitration Board of the Bricklayers' Unions and the Executive Committee of the Laborers' Union Protective Society also took steps to effect a settlement by agreeing to this proposal to the employers' association:

"Gentlemen—We have a proposition to offer through the Arbitration Board of the Bricklayers' Unions, as follows:

"All bricklayers and laborers will return to work if your association will hire none but members of the Laborers' Union Protective Society. If there are not enough members of said union to man the jobs of the Mason Builders' Association, they may hire any additional men; the other questions to be submitted to arbitration for a settlement, and all parties to abide by the decision of the arbitrators. The said arbitration board is to consist of delegates of each of the bricklayers' unions and an equal number of members of the Mason Builders' Association. In the event of a deadlock occurring on any of the questions at issue an umpire is to be called in, all parties to abide by his decision."

The signatures of the bricklayers' arbitration committeemen were affixed to the foregoing and it was submitted at a meeting of the Joint Arbitration Board on March 31st. It was, however,

rejected by the mason builders' arbitration committee on the ground that it was practically a recognition of the Laborers' Union Protective Society. The struggle continued until April 6th, on which date the General Arbitration Board of the Building Trades Employers' Association intervened and brought it to a close by adopting the following resolution, in which the three parties to the dispute acquiesced:

"Resolved, That it is the sense of the General Arbitration Board that the bricklayers and laborers return to work under the conditions that obtained on the signing of the general arbitration plan, and that all questions in dispute on either side be adjusted by arbitration at once, as provided for by the general plan of arbitration. Pending the arbitration no overtime shall be worked or work done on Saturday afternoons. This resolution goes into effect immediately and is binding upon all organizations employed."

With the restoration of peace operations in the industry commenced again, and the several points in dispute were then taken up by the Joint Arbitration Board of the Mason Builders' Association and the Bricklayers' Unions, the representatives of the latter having been duly authorized by the laborers to take charge of their interests. Within a few weeks the board perfected an agreement, which virtually recognizes the Laborers' Union Protective Society, provides for the payment of 35 cents per hour on and after June 3d; that helpers necessary to start bricklayers at 8 a. m. shall begin work at 7.45 o'clock; that Saturday afternoon and all other time before 8 a. m. and after 5 p. m. shall be paid for at the rate of time-and-half, with double time for work on Sunday, and that the bricklayers and their helpers shall not affiliate with other labor organizations, especially those of the building material drivers and handlers, and shall not engage in sympathetic strikes.

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It will be noticed that the life of the agreement (which is reprinted as No. 10 in the following chapter) was made contingent upon the term of the prospective contract for 1904-5 between the Mason Builders' Association and the Bricklayers' Unions. Since 1885 these two large organizations of employers and employed have drawn up and ratified an annual covenant, and until this year there has not been a general rupture in the trade, all grievances having been settled by the joint board created for that purpose. The agreement for 1903-4 expired by limitation on May 1st. Prior to that date the bricklayers asked for an in-

crease of five cents per hour—from 65 cents to 70 cents—and the employment of none but union members as foremen. In addition to this request the unions expressed a desire to renounce their fealty to the general arbitration plan, holding that for nineteen years they and the Mason Builders' Association, through their joint trade committee, had come to a mutual understanding in all matters of dispute, and consequently there was no necessity for representation on the General Arbitration Board of the Building Trades Employers' Association. The Mason Builders' Association would not accede to these terms and its proposition to have future agreements expire in January was objected to by the unions because such expiration would occur in the dullest season of the year and the making of a new contract then might seriously affect the interests of the workmen. Negotiations continued, without suspension of work, until July 1, when the two parties signed an agreement for 1904-5, which is printed in the following chapter. The workmen's desired increase in wages is to be paid after March 2, 1905, while the date of termination is January 1, as desired by the employers. Several new clauses appear, including the guarantee of the Association that its members will not in future lock out their employees; the bricklayers on the other hand agreeing to abide by the general arbitration plan, which provides against strikes. The union succeeded in having incorporated in the agreement a clause that "the members of the Mason Builders' Association must include in their contract for a building all \* \* \* interior brickwork." This will hereafter prevent the sub-letting of that class of work. The following section was added to the agreement, which will hereafter extend to the whole of Greater New York (except Richmond Borough) and the towns of Long Island:

"Notwithstanding anything apparently to the contrary in this agreement, it shall be distinctly understood that any decisions of the General Arbitration Board of the Building Trades Employers' Association and the unions, parties to the arbitration plan, shall govern in the matter of jurisdiction of trade."

#### NEW YORK CITY CARPENTERS, TILE LAYERS AND OTHER BUILDING TRADES.

The only important labor dispute since July was a conflict involving several of the building trades in New York county. This had its beginning in a few strikes of comparatively small dimensions in July, became general on August 8 in a lockout of carpenters, electrical workers, plasterers, plumbers and tile layers, followed by retaliatory strikes in a large number of other trades

beginning in the last week of August, and still remains unsettled. The September returns of the trade unions to the Bureau of Labor Statistics show a total of 13,010 members in 79 organizations who were involved in this dispute. All but 1,778 of these, in nine unions, are reported as directly concerned. This is doubtless as nearly correct a statement of the number of workpeople involved in this controversy as it is possible to get, since under the terms of the arbitration agreement of 1903, the employees of the members of the Building Trades Employers' Association, who were the employers involved, were of necessity practically all unionists. In the general lockout of August 8, the trades and members involved were the carpenters (2,632 in 41 unions), electrical workers (800 in 1 union), plasterers (568 in 3 unions), plumbers (500 in 1 union), and tile layers and helpers (950 in 4 unions). The participants in other trades included 960 cabinet makers in 2 unions; 300 derrickmen, 300 elevator constructors, 400 lathers, 345 steam pipe and boiler felters, 400 tar, felt and waterproof workers, and 208 wood carvers, 1 organization in each case, together with 2,556 marble and stone cutters, polishers, etc., in five organizations, besides less than a hundred each of framers, modelers, painters, parquet floor layers, stair builders and stationary engineers in seven other unions. Those indirectly affected were 1,150 laborers in six unions, 500 bricklayers, 103 building-material handlers and 25 stationary engineers, each in a single organization. The lathers alone had made peace by entering into a new agreement prior to the close of the fiscal year (see Agreement No. 12 in the next chapter). The returns would indicate that the time lost up to September 30 amounted in round numbers to 400,000 working days for those directly concerned, with probably 50,000 or more days of involuntary idleness for those indirectly involved.

#### NEW YORK CITY ELEVATOR CONSTRUCTORS.\*

For several years the conditions of employment for elevator constructors and millwrights in New York City have been regulated by annual agreements between the elevator manufacturers and Elevator Constructors and Millwrights' Unions Nos. 1 and 2 of Manhattan and Brooklyn boroughs respectively. The 1903 agreement expired on April 1st of this year. Prior to November 1, 1903, in accordance with a clause of the agreement requiring

\* In the tabulation this dispute was classified in the metal trades (Group II).



six months' notice of any proposed change in the terms, the unions notified the manufacturers that they should ask for an increase of one dollar per day for journeymen and fifty cents per day for helpers and some other minor changes in the 1904 contract. No reply to this was received until March of this year, when the manufacturers (except four who had acceded to the demands) stated their refusal to grant the advance. The result was a suspension of work on April 1st by 830 men in the thirteen establishments, characterized a strike by the employers and a lockout by the unions.

On April 2d the elevator manufacturers appealed for aid to the Building Trades Employers' Association, of which they are members, claiming that the unions' action infringed the general arbitration agreement established at the close of the great building trades dispute of last year, which both unions had signed. In response to the request of the secretary of the Board of Arbitration of the Building Trades Employers' Association the unions presented their side of the dispute, claiming that the board had no jurisdiction in the case because the general arbitration agreement limited its jurisdiction to disputes under existing agreements, and when the manufacturers made their complaint (April 2d) there was no agreement with the elevator constructors in existence, that for 1903 having expired the day before (April 1st).

On April 8th the matter was finally taken out of the hands of the general arbitration board at the suggestion of the manufacturers, who proposed to a committee of the unions that the men return to work pending arbitration by a board of four, two chosen from each side, with power to name an umpire if necessary. This proposal was reported to a special meeting of the unions on the evening of the same day (Friday) and there accepted, work being resumed on the following Monday on account of the short day on Saturday.

The arbitration board came to an agreement on April 22d, the terms of which, as in the form for Union No. 1, are given in Agreement No. 11 of the next chapter. On the main question of wages the result was a compromise at an advance of 25 cents a day. After considerable objection the unions finally consented to make the term of the contract extend to January 1, 1906, instead of one year from date, as had been usual in previous agreements. It will be seen that the arbitration plan of the Building Trades Employers' Association is made a part of the new agreement.

**TRANSPORTATION.****ALBANY LIVERY DRIVERS.**

Owing to failure to agree on terms of a new agreement between employing liverymen and the Liverymen's Union, about one hundred drivers went on strike January 1, 1904. The immediate cause of the strike was the insistence of employers, who were members of the employers' association, that negotiations relating to an agreement should be conducted through such association, while the union insisted on dealing with each employer or firm separately. Counter propositions of wage schedule and conditions of employment had been prepared and presented by both parties, but owing to failure to adjust the question of dealing with employers' association no formal discussion of the other questions in dispute was had, until after stoppage of work.

About January 28th, investigation by a representative of the State Board of Mediation and Arbitration disclosed the above state of affairs and effort was made to arrange for a conference of the parties to the strike, which was finally arranged for, but owing to failure of employers to provide conference committee, was not had at that time. Later further efforts to arrange conference failed owing to unwillingness of one or both parties to agree to such conference. The strike was finally settled and the following agreement adopted through joint conference of representatives of Livery Employers' Association and Liverymen's Union, March 7th:

That none but members of the union be employed.

Twelve hours shall constitute a day's work; one hour for meals; seven days shall constitute a week. Extra drivers to be paid when work is finished. One Sunday in every four off.

The employer may discharge for cause, but he must replace such person by a member of the union. All men on strike to be taken back without discrimination. Employers to be allowed to drive their own wagons.

Members of the party of the first part shall have the privilege of purchasing vehicles of whomever and wherever they see fit and the members of the party of the second shall drive the same.

The above agreement to remain in force until January 1, 1907.

Signed by the president and secretary of the Liverymen's Association and same officers of the Liverymen's Union.

**BUFFALO ELEVATOR EMPLOYEES.**

On April 18th, local union No. 495, Grain Elevator Employees (monthly men), presented the following demands to the Western Elevator Association to apply to all elevators of Buffalo harbor,

We, the monthly men of Grain Elevator Employees Local No. 495, I. L. M. & T. A., submit the following for your consideration:

That each monthly man shall receive the same wages as paid last year.

Ten hours shall constitute a day's work, with one hour for dinner.

Twenty-six working days, or 260 hours, shall constitute a month's work.

Time and one-half for overtime shall be paid, with double time for Sunday and all holidays.

The season will mean from April 1st to January 1st.

The holidays shall be Decoration Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas.

The Western Elevator Association replied by stating that it had no jurisdiction or control over the employment of laborers at the elevators, its function being that of a clearing house for the twenty individual elevators, and that the questions at issue should be taken up with the individual managements of each elevator. This suggestion was carried out and one or two conferences were held, at which several individual elevator managements were represented. They in turn submitted several counterpropositions, none of which resulted in settlement.

During the first week of May, those of the elevator employees who had not been laid off owing to slack business caused by the strike of the Masters and Pilots' Association, went on strike, about 195 men being directly involved and about 600 being temporarily deprived of employment. This resulted in a somewhat serious congestion of grain-laden vessels in Buffalo harbor. On May 24th, Daniel J. Keefe, International President of I. L. M. & T. A. together with representatives of the union involved, had a conference with the elevator managements, which resulted in a settlement allowing 20 per cent. extra for overtime work. (See Agreement No. 17 in next chapter).

On the 15th of April an agreement was entered into between the Lake Carriers' Association and the International Longshoremen, Marine and Transport Workers' Association for the handling of grain at the port of Buffalo during the season of 1904, the scale of wages being the same as last year (\$2.12½ per 1,000 bushels). The text will be found in the following chapter (Agreement No. 18).

#### BUFFALO MASTERS AND PILOTS.

One of the conspicuous causes of idleness in New York State during the months of April and May was the strike of masters and pilots on the Great Lakes, which seriously affected this State through the great shipping interests in Buffalo.

District No. 2 of the American Association of Masters and Pilots of Steam Vessels, with jurisdiction over the Great Lakes,

was organized in the winter of 1902-3. In the spring of 1903 this association made overtures for a conference with the Lake Carriers' Association, composed of vessel owners, for the purpose of arriving at an agreement respecting working conditions for masters and pilots in the same manner as was then being done by the owners' association with other organizations of employees engaged in lake transportation. To a conference the Carriers' Association agreed, but at the same time suggested that owing to the peculiarly responsible position of masters of vessels there were grave difficulties in the way of dealing with the masters through an organization, especially one in which the masters were associated with and outnumbered by their subordinates, as in the Masters and Pilots' Association, which included mates who are hired by the captains and of whom there are two on the larger steamers and one on the smaller.

This proposed conference of 1903 was never carried out. According to the statement of the Lake Carriers' Association, made to the Cleveland Civic Federation in the course of this year's dispute, just as arrangements for the conference were under way in March, 1903, the captain of the Masters' and Pilots' Association suddenly issued a strike order to the captains and mates then on their boats, and because of this strike order the owners refused to proceed with the conference. On the day following this refusal, according to the carriers' statement, the masters and pilots committee re-appeared in company with the grand captain of their national organization, John C. Silva of Boston, who repudiated and rescinded the strike order and proposed that matters stand as they were for a year with expectation of a conference in 1904, and so negotiations ended for 1903.

Before the opening of navigation in 1904 the Lake Carriers' Association made agreements with the organizations of marine engineers, firemen, oilers and water tenders, seamen, marine cooks and grain shovelers, and through its executive committee took up negotiations with a committee from the Masters' and Pilots' Association in accordance with the latter's request. The masters and pilots' committee presented a schedule of working conditions, and the first serious disagreement arose in connection with a clause which proposed that no master should be discharged without an arbitration before a board composed of representatives of the owners and of the masters' association to determine whether the discharge was for proper cause, and that if the decision should be in the negative the master should be re-instated without loss

of pay. This proposition the carriers positively refused to accept, on the ground that because of the great responsibility placed upon masters both by law and as the confidential representatives of the owners, the question of whether a captain was performing his duties satisfactorily must be left absolutely between the captain and the owner or agent. The masters' and pilots' representatives finally consented to waive this right of appeal, but declared that without it their association could not be responsible for the action of their individual members who might see fit to refuse to work on any boat or line from which a captain had been discharged, whereas with such an arbitration arrangement the association would undertake to furnish another captain who would be satisfactory in case it was decided that a discharge was for good cause.

A second marked difference arose over the wage scale. The schedule offered by the masters and pilots proposed increases and a more uniform classification. To both, however, objection was made by the owners on the ground that there was nothing in the business outlook to warrant any advances and that the variations between vessels in capacity and kinds of service made any fair classification along arbitrary lines impossible. The owners' executive committee, therefore, proposed that the scale of 1903 be continued for 1904. Finally, after considering the matter in separate session, the representatives of the masters and pilots stated that they were in favor of accepting the 1903 scale and that they would so report to their various harbors for final decision by the members of the association. The last conference occurred on May 9th. On the 12th the manager of one of the large steamship companies, who had sent out appointments to the masters of his 112 vessels on the basis of the 1903 schedule, was notified by the district captain of the Masters' and Pilots' Association that the appointing orders had been countermanded by him (the district captain) and that the Masters' and Pilots' Association had rejected the 1903 schedule and had determined to stand for their original proposition with the amendment that mates should be paid full time from May 1st. Thus ended the negotiations between the two organizations, the result being the final determination of the Lake Carriers' Association not to deal further with the Masters' and Pilots' Association.

The Great Lakes were open for navigation this year on the 23d of April, but pending the negotiations for an agreement with the owners the members of the masters' and pilots' organization, acting in accordance with instructions issued by their officers

before the close of navigation in 1903, had declined to take any appointments on boats of the Lake Carriers' Association, and as the latter body includes most of the large owners there was an extensive tie-up of lake traffic. After the deadlock following the failure of conferences, this tie-up continued until the end of the strike, which came on June 15th, when the Masters' and Pilots' Association advised its members to go to work on the owners' terms.

It is estimated that about 3,000 masters and pilots were directly concerned in this dispute on all the lakes, and about 1,000 were in the Buffalo branch of the organization. Of the numbers indirectly affected it is very difficult to make estimates. According to the Buffalo press 10,000 workpeople in this State were rendered idle by the dispute. A Buffalo union of seamen, with a membership of 3,500, reported to the Department that 2,330 were idle at the end of May because of the masters' and pilots' strike, and a marine firemen's union reported 600 out of 800 members out of work for the same reason on that date. The Department's statistics show that there are between 8,000 and 9,000 organized wage-earners in Buffalo (including seamen, tugmen, marine cooks, engineers and firemen, and coal, freight, grain, lumber and ore handlers) whose work is connected with lake navigation, so that allowing for nonunion workmen also and for those in canal or railway transportation outside of Buffalo who were affected, it is quite likely that as many as 10,000 workers in this State were indirectly involved in the strike. How largely traffic on all the lakes was tied up by the dispute is shown by the following figures from the Monthly Summary of Finance and Commerce of the United States Department of Commerce and Labor:

DOMESTIC LAKE TRAFFIC.  
[Total freight reduced to net tons.]

		May.	June.	July.
Receipts.....	1903	7,144,819	8,414,086	7,876,410
	1904	1,016,733	4,785,081	8,507,192
Shipments .....	1903	7,178,105	8,795,742	8,098,927
	1904	1,224,488	5,558,443	8,705,214

COHOES TEAMSTERS.

Early in June Team Drivers' Union No. 222 of Cohoes mailed to the employing truckmen and team owners a proposed agreement for one year beginning June 15, as follows:

COPY OF AGREEMENT

Between the undersigned Team Owners and the General Teamsters Local Union, No. 222, affiliated with International Brotherhood of Teamsters and Central Federation of Labor of Cohoes, N. Y.

Sec. I. I agree to employ none but Union Teamsters, members of the above-named Union.

Sec. II. I agree to pay single horse drivers eleven (\$11) dollars and team drivers twelve (\$12) dollars a week.

Sec. III. I agree to pay double time for Sundays and Holidays such as Thanksgiving, Christmas, New Years, Fourth of July and Labor Day.

Sec. IV. When teamsters report to their barn three times on holidays to take care of their horses, I agree to pay same as regular pay.

Sec. V. Whenever the service of new employees is needed I agree to give preference to members of above-named Union.

Sec. VI. When a non-union or suspended teamster is employed in my barn, employees shall have the right, after investigation, to stop work until same has been properly adjusted, without violating this agreement.

Sec. VII. The above agreement to go into effect June 15th, 1904, and enduring till June 15th, 1905.

Sec. VIII. I also agree to reinstate all men who are out on strike in my barn.

Employer's Signature.....

[L. S.]

President's Signature.....

Failing to receive satisfactory replies the union ordered a strike on the 15th to enforce its demands. On the 17th a committee of the union called at the office of the Board of Mediation and Arbitration and requested its intervention, whereupon Mr. Lundrigan began an immediate investigation and developed the facts that employers felt that the proper course had not been followed in presenting the demands of the union, that many of the demands were unreasonable, and that sufficient time had not been allowed from presentation of demands to enforcement of strike.

After several conferences with individual employers during Friday and Saturday, the 17th and 18th, Mr. Lundrigan finally succeeded in arranging for a joint conference for June 19th, at which all employing team owners except two, and representatives of the local union, together with Grand Officer W. W. Evans of the International Brotherhood of Teamsters and Mr. Lundrigan of the State Board of Mediation and Arbitration were to be present.

This conference was duly held and in addition to the above, Mr. N. S. Longhran, business agent of Team Drivers of Troy and Mr. Howe of the Freight Handlers, were present. At the opening of the conference, the following agreement was presented by the union as a modification of the original and with a view to meet objections that had arisen to the original in the several individual conferences:

COPY OF AGREEMENT

Made and entered into by and between The Team Owners of the first part, and Team Drivers Local Union No. 222, of the International Brotherhood of Teamsters, of the second part, of Cohoes, N. Y.

Dated.....

AGREEMENT submitted to Team Owners by Local Union No. 222:

Section 1—Employers agree to employ only teamsters who are members of Local Union No. 222, except when Union is unable to supply men, in such cases men accepting employment will be expected to become members of Local Union No. 222, within ten (10) days from date of employment.

Section 2—Whenever any grievance or complaint arises there shall be no stoppage of work through either strike or lock-out until the matter under dispute shall have been settled, either by the parties directly affected or by submitting the question in dispute to a board of Arbitration to be composed of one person selected by the employer and one by Local Union, the two (2) so selected, to select a third member, the decision of such board to be final.

Section 3—The minimum rate of wages, which shall include care of horse or team, shall be \$11.00 per week, for single horse, and \$12.00 per week for team drivers.

Section 4—Work on holidays other than taking care of team, shall be paid for at the rate of 1½ time, for time actually on duty. The following days will be considered as holidays: Fourth of July, Labor Day, Thanksgiving Day, Christmas, and New Year's Day.

Section 5—This agreement shall remain in full force and effect for one year from date of same, and until either party desiring a change, shall submit such desired change in writing to the other party, in which case 30 days notice in writing shall be given by party desiring change.

Section 6—It is mutually understood and agreed that all men now on strike will be reinstated forthwith.

Employers' signature:

Pres.

After a prolonged discussion, it developed that the only objection to the substitute agreement was the wage-rate, which employers contended could not be granted in full, owing to existing contracts for hauling, which were based on the old rate of wages and many of which did not expire until January 1st, 1905.

It was then suggested that the employing team owners present make a proposition to the union of a wage-rate. After a short consultation amongst themselves, the employers submitted the following, as a substitute for the wage scale submitted by the union:

Team drivers on Troy routes, \$11.00 per week.  
Team drivers in Cohoes city, \$10.00 per week.  
Single horse drivers, \$9.00 per week.  
Until January 1st, 1905.



After some discussion by union committee, which had full power from the union to effect a settlement of the strike, they accepted the wage scale proposed and amended the modified agreement accordingly. (See No. 20 in following chapter.)

This agreement was then signed by the 13 employers who were party to the conference and the strike declared at an end, the men resuming work on the following Monday. The number involved was about 50.

**NEW YORK CITY, MANHATTAN BOROUGH, CAB DRIVERS.**

On November 25, 1903, the cab drivers employed in the stables of Wm. Search & Co., Cruise Kellen & Co., and A. D. Moulton went on strike to better their conditions generally and especially to secure a shorter day, regular meal hours, etc. On the second day of the strike the employers locked out 1,500 men representing 27 stables in Manhattan, thereby causing the closing of 30 stables employing 1,750 men and great inconvenience to the general public of the city of New York. The same day a conference was arranged between the Liverymen's Employers' Association and the Coach and Cab Drivers Union, Local 607, International Brotherhood of Teamsters. An agreement was reached as follows: \$14 per week, 10 hours off duty and general union conditions; any difference that may occur to be submitted to an arbitration committee of three persons from each side; said agreement to hold for one year, namely, until December 1, 1904. The strike and lockout being declared off all returned to work November 28.

**NEW YORK CITY FREIGHT HANDLERS AND WAREHOUSE MEN.**

On February 2, 1904, 351 freight handlers and associate employees of the New York, New Haven and Hartford Railroad Company working on its seven piers on the East River, went on strike for payment of time consumed in waiting for boats to arrive. It appears to have been the custom to require the attendance of the men between the hours of 7 a. m. and 6 p. m., although they were paid by the hour and only for the time actually engaged handling cargoes. Delays in arrival or departure of floats necessarily caused lost time under this arrangement, which resulted in decreasing the earnings of employees.

On February 2d, a committee of employees presented a request or demand to the employers representative, that thereafter the men be paid for all of the time on duty, whether engaged in handling freight or waiting for floats. It is reported that this

demand was granted, and that later on the same date a demand was made for an increase in wages from 20 cents to 25 cents per hour. This demand was refused and the men went on strike. On February 4th and 5th, attempts were made to fill the places of the strikers, which resulted in some rioting and disorder in the immediate vicinity of the piers, which rendered necessary an increase in the regular police force at those points to preserve order. On Saturday, February 6th, the strike was ended, this result being brought about by a conference between the officers of the employing corporation and Mr. L. J. Curran, international president of Freight Handlers and Warehousemen's Union. The men returned to work on the same conditions which existed prior to the strike, with the understanding that existing grievances would be taken up and adjusted when properly presented.

A second dispute took place on the East River piers in May, owing to the refusal of the company to dismiss at the demand of the union an assistant foreman, who had remained at work during the previous strike and declined to join the union. Within forty-eight hours after the beginning of the strike, May 18th, all of the union freight handlers and warehouse men employed at the piers of the New York, New Haven and Hartford lines on the North and East Rivers, which included the Fall River, Stonington and Norwich lines, about 1,000 in number, went on strike in sympathy with the original grievance.

Deputy Commissioner Lundrigan visited the scene of the strike on the 21st of May and made investigation by conference with the representatives of both employers and strikers, at the same time making formal tender of the services of the State Board of Mediation and Arbitration to General Manager Miller of the New York, New Haven and Hartford marine service and Mr. Lawrence Curran, International President of Freight Handlers and Interior Warehousemen's Union. The employers' representative issued a signed statement\* wherein it appeared that a conference of a

\* THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, MARINE DISTRICT.  
Office of the General Manager.  
Pier 19, North River.

NEW YORK, May 20, 1904.

During the past month it has been necessary from time to time on account of slack business to lay off a great many freight handlers; 14 of whom were discharged last Saturday. It was subsequently proved that 6 of these were representatives of Local 63 of the Interior Freight Handlers and Warehouse Men's Association. We were not aware of this fact. On Monday a delegate and committee asked that the 6 union men should be reinstated; if not everyone would strike. As there was much freight on the dock and we had a duty to the public to deliver it, and as this corporation has no feeling against unions properly managed, we willingly acceded this and told the committee that called that we would put all the 14 men gradually back as business warranted. On Tuesday one of them was reinstated, and on Wednesday

union committee and union delegate with General Manager Miller was held on the day of the strike, at which it was made clear that the company would not discharge the foreman in question. Mr. Miller also stated that in view of the violation of a former agreement, no further negotiations would be carried on or recognition given to the union whose members were on strike. Mr. Curran stated that he arranged for a further conference with the officials of the company affected by the strike and expected to effect a satisfactory settlement. This expectation was not realized, owing to the existing conditions and persistent reports that a general sympathetic strike of teamsters employed in marine cartage was about to be ordered. A representative of the Board remained on the scene until May 26th, at which time it had become manifest that the strike would not extend further in New York and a sufficient number of new employees had been secured to handle the most urgent traffic. By the end of the month the strike was over.

There was a somewhat serious but not general stoppage of work by firemen and oilers in connection with this dispute, which while apparently sympathetic was really an entirely separate strike, aimed particularly at the Mallory line, for an increase in wages from \$40 to \$45 per month. The employers refused to deal with the strikers and claimed to have succeeded in filling nearly all of their places. The Board took no further action in connection with this strike, than to formally tender the services of the State Board of Mediation and Arbitration to representatives of both employers and employees.

#### NEW YORK CITY, MARINE FIREMEN, OILERS, ETC.

On June 8th occurred a general strike by members of the Atlantic Coast Marine Firemen's Union to compel acceptance

morning two more. At quarter past nine the labor union representative told the foreman on piers 18 and 19 that if the three men were not put on at once everybody would strike. We acceded to the request, and the men were put on. The committee then stated to the freight agent that the action was perfectly satisfactory, and the leader of the committee said "I will have the men back at one o'clock."

He did not fulfill his promise and the men did not come back. Later in the afternoon the committee again called and the delegate made an entirely new demand, namely: That a man who had been acting as assistant foreman, and who had served us for many years faithfully, but who had not joined the union, although they had asked for him as a member a few days before, thus showing that they wished him in the union, should be discharged because he had stayed at work the day before. Before deciding this the Supt. referred the demand to me. I received the committee and after a long discussion with it, during which I stated that this company was paying much higher wages than others on the water front and that the tenure of office was more permanent here, they still insisted that the men would not come back to work unless I discharged this one faithful employee, whom it must be remembered they had asked to join the union a day or two before. This I firmly refused to do, and the public can decide whether or not a corporation should do such an unusually inhuman act, even though its own very large interests may be greatly jeopardized by then protecting the welfare of one true man, be he an officer of high rank or the humblest individual in the country.

Signed, I. W. MILLER,

*General Manager.*

of their demands by the coastwise steamship companies of Boston, New York, Philadelphia, Baltimore and Norfolk. In New York eight companies were affected and about 1,200 men went out.

The union's demands had been presented in the form of a printed schedule of working conditions for the year beginning June 3d and included clauses providing for the abolition of "crimps," or boarding-house masters who act as employment agents for the companies; for wages at \$40 per month for firemen, \$45 for oilers and water-tenders and \$35 for coal passers; and for employment of union members only. The abolition of crimps and increase of wages involved in the above rates were the main contentions of the union and according to the general secretary of the organization, who had charge of the strike, the crimp question was regarded as the chief issue. It was asserted that boarding-house masters had arrangements with the steamship companies to furnish their employees and by means of this monopoly of employment were able to extort exorbitant prices for board or fees for positions. On this subject the reply of the companies was a denial that they had any dealings with crimps, and the other union demands were refused.

So far as New York City was concerned the strike resulted in failure. It does not appear to have seriously interrupted traffic, owing to the ability of the steamship companies to hire non-union hands. After holding out for six weeks in the face of the danger of having its members' places permanently filled by new hands the union finally declared the strike off on July 23d.

#### MISCELLANEOUS TRADES.

##### BOILER MAKERS AND IRON SHIPBUILDERS OF NEW YORK CITY.

As recorded in last year's Report, the outcome of the general sympathetic strike of boiler makers and iron shipbuilders of New York City in March, 1903, was a one year contract between the New York Metal Trades Association and District Lodge No. 2 of the Seaboard of the Boiler Makers' Brotherhood. Prior to the expiration of that agreement on April 31 of this year, several conferences of committees were held with a view to a similar contract for the present year. No serious difficulty was found in the way of agreement on all points except two. The union demanded that its business agent should have access to all shops and jobs at all times, and that the employers should hire none but members of the union to do boiler makers' work. To neither of these propositions would the Metal Trades Association agree and

the conferences ended in failure. Just before the final adjournment the Association offered to renew the 1903 agreement *in toto* except for one slight modification touching the number of boiler makers to a gang on buildings. That agreement, so far as the two issues in the conference were concerned, forbade any person not authorized by the employer to interfere with any workman during working hours and permitted the employer to hire or discharge men as he saw fit, except that there must be no discrimination against workmen for membership in the union. This proposition for last year's terms the representatives of the Brotherhood declined to consider, and declared that further discussion was useless unless the Association would agree to the closed shop demand.

The employers' association remaining firm against a union shop clause, a general strike of boiler makers and helpers occurred on May 4, about 1,400 going out and causing a general tie-up in 33 shops of the Association. It does not appear that any further negotiations between the parties to this dispute occurred after the stoppage of work. Nor was there any definite termination of the dispute. The employers proceeded to hire new men to fill the places of the strikers, whereupon there was a gradual return to work by the latter on the employers' terms, so that the employers reported that the dispute was practically closed on August 6, although the strike was still nominally maintained by the boiler makers' organization.

In September the shipbuilding firms in the Association signed an agreement with the unions of blacksmiths, who withdrew their demand for the closed shop.

#### BUTCHERS AND MEAT CUTTERS OF NEW YORK CITY.

During July and August of 1904 there was a strike of union butchers and meat cutters in New York City in sympathy with their fellow unionists of the same trade who were out in the general Chicago strike. There were no local issues involved in New York and the strike was purely sympathetic. There were really two strikes in New York as there were in the course of the Chicago dispute. The first stoppage of work occurred on July 13, with a resumption of work a week later, on the 21st, and then on Aug. 10 the men went out again to remain until September 6th or practically the end of the Chicago strike, which was declared off on the 9th. Since the strike in Chicago ended in total failure, that in New York must be placed in the same class as to results.

It appears from reports made to the Board by employers that nine firms were involved in the New York strike, employing a total of 1,480 men, and that in seven firms there was a complete cessation of business on account of the strike. Several, if not all, of the firms were directly connected, or associated, with the Chicago firms involved. The reports collected from the local unions by the Bureau of Labor Statistics, for the quarter ended September 30, 1904, show very closely the number of workmen who were involved, the total being 988 meat cutters and butcher workmen in ten local unions and 30 stationary firemen in another union. The returns of idleness show that this fruitless sympathetic strike cost the workmen a total of over 35,000 days of working time, in addition to which the unions report a total of \$10,000 expended in strike benefits.

#### CARRIAGE AND WAGON MAKERS OF NEW YORK CITY.

A general strike of carriage and wagon workers in the boroughs of the Bronx, Manhattan and Brooklyn on May 2d caused an almost complete cessation of operations in that industry for more than a month. The three Manhattan-Bronx unions involved in the dispute confined their efforts to establishing a uniform wage scale, the abolition of piece and Sunday work, an apprenticeship regulation, a working week of 51 hours, and the observance of the Saturday half holiday. It was asserted by the unions that the wage rates in the several trades were quite variant and they sought to make those rates more uniform, asking for increases in some instances, while in others expressing a willingness to let the compensation remain unchanged. They also pointed out that in some factories the working time was already 51 hours a week, and in a few cases as low as 48 hours, while the Saturday half holiday was in force in the large carriage works, so they endeavored to apply these rules to all shops. The Brooklyn union went somewhat further with its demands. While it did not try to obtain decreased labor hours and the half day on Saturday, it attempted to have wages increased in several occupations, besides declaring for the closed shop; also demanding that the union label be placed on all vehicles, and that union officers or business agents be accorded the privilege of entering the shops. All the unions formulated their demands on April 26th, with a stipulation that a yearly written agreement should be entered into by each employer with the officials of the executive boards of the men's organizations in the different boroughs.

The Manhattan and Bronx workmen submitted the following schedule to the employers:

1. That a week's work shall not be more than 51 hours per week.
2. That Saturdays shall be known and recognized as Saturday Half Holiday the entire year.
3. That, should short time prevail or necessitate that the men shall work less hours at any time during the ensuing year, it must not affect the Saturday Half Holiday.
4. That the men be allowed to work Saturday afternoons, provided that they are paid the same as overtime.
5. That, if at any time it may be necessary to work overtime or to work on legal holidays, such time shall be paid as double time.
6. That there shall be no work on Sundays under any circumstances.
7. That piece-work be abolished.
8. That all employers employ letterers holding membership cards in the Carriage and Wagon Workers' International Union.
9. That there shall be one apprentice boy to every 15 mechanics or a fraction thereof, and no boy shall start under 16 years or over 17 years of age, and he is to receive the following weekly salary, viz: First year, \$5; second year, \$7; third year, \$9; fourth year, \$12; fifth year, \$15.
10. There shall be no strike or lockout inaugurated until all means to a satisfactory settlement of the questions in dispute have been exhausted.
11. That a minimum rate of wage for a 51 hour work week shall be as follows:

	HEAVY.	LIGHT.	
Blacksmiths—Carriage .....	\$21 00	\$18 00	and up per week.
Finishers .....		15 00	" "
Helpers .....		12 00	" "
Body Makers .....	21 00	18 00	" "
Gear Makers .....		18 00	" "
Trimmers .....		18 00	" "
Stripers and Finishers.....		18 00	" "
Surface Painters .....		15 00	" "
Stitchers .....		16 00	" "
Blacksmiths—Wagon .....		17 00	" "
Finishers .....		15 00	" "
Helpers .....		12 00	" "
Body Makers .....		18 00	" "
Gear or Wheelwrights.....		16 50	" "
Lamp Makers .....		18 00, \$21.00, \$24.00	

12. Those receiving an excess to the aforesaid scale of wages, shall not, under any circumstances suffer a reduction.

At the start twelve establishments, employing 182 men, complied with the foregoing terms, but 95 concerns, members of the Vehicle Manufacturers' Association, and nineteen carriage manufacturers, who while not combined were in direct sympathy with the purposes of the employers' association, besides 39 independent

firms, refused to sign the agreement, and the strike ensued, involving 2,300 men, 100 of whom were non-unionists. In the course of a few weeks 32 employers, with 487 workmen, affixed their signatures to the agreement, while seven others, having 113 workers in their employ, agreed orally to the demands. But the associated manufacturers, together with the nineteen carriage houses, continued a vigorous resistance. Mediator of Industrial Disputes Gilleland made an effort on May 16th to bring about a conference of the parties in contention with the object of effecting an adjustment of the difficulty through conciliatory methods, and, although the official representatives of the striking workers were favorably disposed toward the plan, the manufacturers' organization declined to accept it. The controversy lasted until June 9th, when it was abandoned by the unions, and the employees of the members of the Vehicle Manufacturers' Association, as well as those of the large carriage-making concerns, resumed work under the conditions that existed prior to May 2d.

These were the demands of the Brooklyn union :

1. That ..... as party of the second part recognizes this union to the extent that he will employ none but men carrying a good-standing card of this respective union.

2. That 53 hours shall constitute a week's work, that is 9 hours for the first 5 working days of the week and 8 hours on Saturday, on which day the wages shall be paid.

3. That the carriages, trucks, wagons, or other vehicles built in his shop shall bear the union label.

4. That if at any time it is necessary to work overtime or to work on legal holidays, such time shall be paid with time and a half.

5. That work on Sundays be not allowed under any circumstances.

6. That if at any time the officers or business agent of this local require to enter the shop for investigation, they shall have the privilege to do so.

7. That the wages paid to

Blacksmith shall be from \$17 and up per week.

Blacksmith finisher, first class, \$15 and up per week.

Blacksmith finisher, second class, \$13.50 and up per week.

Blacksmith helper, \$12 and up per week.

Woodworker, first class, \$17 and up per week.

Woodworker, second class, \$15 and up per week.

Millhand, first class, \$15 and up per week.

Millhand, second class, \$13.50 and up per week.

Painter, first class, \$17 and up per week.

Painter, second class, \$15 and up per week.

Painter, third class, \$12 and up per week.

Trimmer, \$19 and up per week.

Stitcher, \$16 and up per week.



The union reports that two manufacturers, employing twenty men, granted the demands at once, but 81 establishments—55 of these being connected with the Vehicle Manufacturers' Association—rejected the union's proposition, and 500 workmen went on strike on May 2d. Twenty-six firms, having 225 employees, eventually signed the agreement, but the concerns that were attached to the manufacturers' organization would not yield; so on June 4th the workmen's association allowed its members to return to work in thirteen of these shops under unchanged conditions and on June 11th it closed the strike in the remaining 42 factories.

#### CARRIAGE AND WAGON WORKERS OF ROCHESTER.

In February, 1904, a demand for recognition of the union and reduction of hours to nine per day (10 having been the prevailing hours theretofore) was sent by the Carriage and Wagon Workers' International Union from its headquarters in New York City to the members of the Monroe County Carriage and Wagon Builders' Association and to James Cunningham, Son & Co., who are outside the association, but have the largest carriage and wagon factory in Rochester. The communication to the last named firm included also demands for "reinstatement of recently dismissed union members" and "abolition of the premium system."

The employers having ignored or refused to consider the above demands by March 1 as requested, the union on March 9 presented a second formal demand in which a ten per cent increase in wages was added to the former demands for recognition and the nine-hour day, as follows:

#### CARRIAGE AND WAGON WORKERS' INTERNATIONAL UNION.

NEW YORK, N. Y., *Mar. 9, 1904.*

SIR: Having ignored the slight concessions asked of you, I have been instructed by the members of the Local Union to present to you the following demands which must be answered by Saturday, March 12th, 1904:

- 1st. Recognition of the union.
- 2nd. Nine hours shall constitute a day's work with an increase of ten per cent in wages.
- 3rd. Work to commence at 7 A. M. ending at 5 P. M., with the hour from 12 noon to 1 P. M. for lunch.
- 4th. All time worked over said 9 hours shall be considered as over-time and shall be paid for at rate of time and one-half.

Hoping this will meet your approval and reply reach me by time specified.

MARK J. MALEY, *Rec. Secy.*

245 Bronson Ave., Rochester, N. Y.

The employers having declined to consider these demands also, on Monday, March 14, a strike was inaugurated for the purpose of forcing their acceptance. As nearly as can be ascertained 23 establishments were affected about one-third (265) of their 725 employees going out.

Owing to the fact that whatever negotiation between the parties occurred during this dispute was between the union and individual firms and without any intervention by the employers' association as such, it is somewhat difficult to follow the course of the strike and its outcome. The main facts, however, appear to be as follows as indicated by reports received from both parties to the controversy. During the period from April 1 to May 10 some seventeen firms agreed to the unions' demand with the condition that the union must secure the same concession from the large firm of Cunningham, Son & Co., which employed 508 hands, 79 of whom had gone on strike. This company, however, refused absolutely to grant any part of the union's demands and proceeded to fill the places of their striking employees with non-union hands and by May 20 their plant was operating with a full working force. The effect of the failure of the strike in this leading firm, in addition to which there were five other factories where no concessions were made, was to cause a return to the old conditions in most of the establishments where work had been resumed under the conditional agreement with the union so that in the final outcome there were but four or five of the smaller firms in which permanent concessions to the union were made, all of the latter's demands being granted by these except the increase in wages which was dropped. The ultimate effect of this strike, it may be added, was the disbandment of the local carriage and wagon workers' union in Rochester, which surrendered its charter in January, 1905.

#### CLOTHING CUTTERS OF ROCHESTER.

The records of the Bureau of Labor Statistics show that the nine-hour day has prevailed for clothing cutters in the city of Rochester since 1890. In the fall of 1904, Clothing Cutters and Trimmers' Local Union No. 136 of the United Garment Workers which embraced in its membership a large majority of the cutters in the city, determined to inaugurate the eight-hour day for their trade and early in October gave notice of its purpose in the following letter to the various manufacturers:

## CLOTHING CUTTERS AND TRIMMERS OF ROCHESTER, N. Y.

L. U. No. 136, UNITED GARMENT WORKERS OF AMERICA.

ROCHESTER, N. Y., Oct. 6th, 1903.

GENTLEMEN: At a meeting of the above-named organization held on Monday, October 5th, 1903, the following was unanimously adopted:

That the clothing cutters and trimmers in your employ agree that for the week commencing October 12th, 1903, and for every week thereafter, 48 hours shall constitute a week's work.

A reply from you agreeing with same is respectfully requested.

In the event of your failing to comply with the above, we will understand that you do not agree with us in this matter; therefore I am instructed to inform you, that the employees of the cutting and trimming departments of your firm will resume work only under those conditions.

A reply will be expected not later than 12 o'clock M., Saturday, Oct. 10th, 1903.

Very truly yours,

WM. H. SCHAEFER, *Secretary.*

The Clothiers' Exchange of Rochester, comprising the principal clothing manufacturers, at a meeting on October 7th considered the union's demand and it was unanimously decided to refuse the reduction in hours. On Saturday afternoon (the 10th), therefore, in accord with the intention expressed in their notice of the 6th, the clothing cutters inaugurated a general strike to enforce their demand, the entire membership of the union, 400 strong, going out.

Except in the case of the firm of Rothschild & Co., noted below, it appears that from the very first of the strike there were no negotiations between the parties and throughout it was a clear struggle between the employers to secure, and the union to prevent their securing, new men to take the places of the striking cutters. As throwing light on the attitude and views of the two parties to the contest it is worth while, perhaps, to reproduce in full the general statement which each side issued to the public in the last week of October. That of the manufacturers was as follows:

"To remove from the minds of the trade and of the public any misapprehension that may exist regarding the causes of the strike of a large number of clothing cutters, the clothing manufacturers affected deem it proper to state that the questions involved are really not of hours nor of wages.

"The clothing manufacturing business of Rochester is now established more than fifty years. Up to the year 1890 the utmost harmony and the best of relations existed between employer and employee and contributed in no small degree to its growth and the prosperity of the city of Rochester.

"In that year a union of garment workers, affiliated with the Knights of Labor, whose national body was known as N. T. A., 231, at the head of which

was James Hughes, as grand master workman, had made many demands and received so many concessions that it thought it could control not only our factories, but our business.

"The grand master workman (Hughes) traded upon this imagined power, placed strikes and boycotts (a la Parks, for what there was in it) to such an extent that in the year 1891 concerted action was deemed advisable, no one concern daring singly to take up a fight for independence. The unreasonable demands of Hughes brought about a lockout of the cutters in March, 1891, and his own indictment for extortion, under which he was convicted and sentenced to the Monroe County penitentiary for one year.

"From that time on past the panic of 1892-1893, the industry progressed. The demands for Rochester clothing made rapid increase and necessitated a large increase in the cutting force. Additions could only be procured from other markets, notably from the East.

"This foreign element, not identified with Rochester's growth and having no interest in permanent abiding places, began the agitation for another union; and the Cutters and Trimmers Union, 136, of Garment Workers, was organized, and by degrees made itself manifest. Its first manifestation was by a decrease in the output, notwithstanding the large increase in the cutting force from time to time. The organization kept growing, and the cordon of its restrictive policy was more and more tightly drawn. Then it became more difficult to obtain new cutters. A bureau of labor was established by it from which alone permits could issue for cutting positions; at the same time the number of apprentices was limited, and from time to time during the year 1902 and the present year, the union sought to manifest its strength and to test the temperament of the employers in various ways. For instance, in one of our largest clothing firms a trimmer was promoted to apprentice cutter, with the result that the entire cutting force laid down its tools, walked out and staid out until the boy was compelled to leave.

"A restriction was placed upon each cutter's daily work. Schedules of the amount of work which each cutter 'might' do per day, under penalty of fine for exceeding the schedule, were instituted in each shop, and became more and more apparent as the union developed strength.

"As we have stated, notwithstanding the increase in the number of cutters, on account of this restriction upon each man's work, the output did not grow apace, and were it not for the fact that from 17 to 24 weeks each year night work was instituted, with one and one-half times pay, a considerable loss in the aggregate output would have occurred in this market. As it was, for the last two years this market has not been able to cut sufficient to fill its orders by from 10 to 25 per cent.

"However, the officers of the union, instigated by outside influence, became more and more daring, and dictated as to who should be employed. It became the rule that only members of their organization could be employed, a non-member having no rights under their code to work or to live. Our pretended free institutions became relics of the dark ages, and the Declaration of Independence an antiquated tissue of nonsense, not in keeping with the 'march of progress,' a phrase used by our local labor leaders in explaining the causes of the strike.

"In one of our largest establishments a member of one of our most influential fraternal organizations, who had secured a position as cutter, was com-

pelled to be discharged forthwith because he was not a member of the Garment Cutters' Union. There were members of his own fraternal organization at work in the shop and on the committee demanding his discharge, yet not one of the larger brotherhood dared to speak for him.

"October 7th the manufacturers in this market received a circular printed upon a letterhead of Local Union 136, Garment Workers of America, containing the threat that the cutters would not return to work on October 13th unless by October 10th at noon the 48-hour week was conceded.

"Previous to this time all demands had been made by our employees at the covert instigation of this organization. Up to this time we had, without audible complaint, suffered restriction to be placed upon the number of cutters—restriction upon the output of each individual cutter—restriction upon the number of apprentices—and had submitted to many other interferences with the conduct of our manufacturing departments. Now this union, with which we stood in no contractual relations, but which had hovered harpy-like over us for more than two years, thought it a proper time to come out into the open and fasten itself once and for all on to our business. It sought openly to exercise the despotic powers which before it had exercised under the cover of the employees of each shop. It behooved us to look to our liberties and our rights in the conduct of our business.

"Our employees have always received consideration at our hands. That this is not alone our view, but that of the strikers, permit us to quote from an interview with one of our former employees, who represented himself as at one time an officer of the union, and published in our daily newspapers during this strike:

"'The manufacturers have used us well. They have granted all our requests, and our wages and conditions are now good. I do not believe that there is another class of employers in the city that uses its employees as well as the clothing manufacturers. I believe that our condition is superior to that of men in the clothing trade in any other city in the country.'

"Despite the yoke which seemed slowly but surely settling upon us and our business by their assistance, we showed a friendly spirit to our employees and maintained harmonious relations, and, as is stated in the interview above, their conditions, pay and hours were satisfactory.

"For peace sake we have submitted to infringements upon our rights of hiring—suffered the control of our employees to pass from our hands—overlooked the withholding of work for which we were paying, and accepted an artificial restriction on the output—but when an attempt is made to control our business by the demands of an aggregation with which we have nothing in common, we will resist to the last.

"Had this market been treated honestly in the labor for which it was paying, had not the skilled workman, at the dictation of an organization, been brought down to the level of the unskilled, had not this organization adopted the motto 'minimum work for maximum pay,' we certainly should have felt differently toward the proposition upon which the relation of employer and employee was dissolved by our cutters.

"To quote from a paper read by Henry White before the National Civic Federation of Chicago last week and published in the *Bulletin*, which is the official organ of the United Garment Workers: 'Combinations are injurious when they overstep their purpose by creating a monopoly instead of merely

protecting their members against detrimental competition among themselves and against aggression of outsiders \* \* \* Combinations \* \* \* unduly restricting apprentices to keep out of a trade the number of artisans required; when they oppose inventions, discourage efficient work and prevent members from exercising their faculties; when they do these things they exceed their limits, pervert their power and perform acts they condemn others for doing.'

"Statements which would receive applause at all hands, but so opposed to the practice of the union of which he is the head as to sound like hollow mockery. Previous to this in the same paper he said that 'unless ethical principles govern, organizations, like individuals, must go wrong.'

"We have at all times recognized the right of employees to organize, and have never interfered in their affiliations in any societies except in 1891, when James Hughes, with the assistance of the local officials, traded upon our fears and upon their supposed power. At the present time this organization is again trading on our fears. Because we have made concessions from time to time to our employees rather than to permit the orderly conduct of our business to be interfered with, it arrogantly and arbitrarily endeavors to wrest the control of our business from us and insisting upon a reduction of the hours of labor it still retains the artificial restriction which it has placed upon our output.

"Such practice as is sought to be introduced by trades unions, and which is condemned by Henry White, who is supposed to be at the head of this organization, paralyzed the industries of England and is responsible for no end of trouble in this country. The 'freedom of the individual in the unrestricted exercise of his faculties and his privileges' is the one great element which has built up the industrial pre-eminence of this government. The aggregation of such individuals is what has brought this country to the fore.

"A union of shirks can not prosper, and, if the organization from which we are seeking to free our employees is built upon 'ethical principles,' it will recognize its error and not stand for a practice which to-day is being insisted upon by irresponsible labor agitators to the destruction of prosperous industrial conditions."

In reply to the above the president of the cutters' union issued the following:

"The statements which appeared in some of the local papers this week purporting to be a correct account of the conditions of the clothing firms of the city whose cutters are at this time on strike, because their employers positively refused to confer with them on the 48-hour week, are altogether contrary to the facts.

"The statement is made that it is deemed advisable by the clothing manufacturers to state that the question involved is not one of hours or wages. We agree that it is not a question of wages, but one of hours only. And here I may state that the article referred to is not from the pen of any clothing manufacturer, but from a member of the legal profession, who acts in the capacity of attorney for the Clothiers' Exchange of the city of Rochester. This legal gentleman, who knows as much about the clothing business as he does about building a watch or the anatomy of an ichthyosaurus, quoted the methods used by one Hughes, an individual who operated in this city some

twelve years ago, and who was never approved by the present organization, for the reason that it was not in existence at that time. Moreover, it is a creation of the manufacturers of this city, brought into being some time after Hughes had been disposed of.

"It is stated that the first manifestation of Local Union 136 was a restriction of production. The fact is that at no time, past or present, has the organization of Rochester in any way interfered with or restricted individual production. Nor has outside interference at any time prompted the local to anything it has undertaken for the betterment of its members. From the first the officers of the organization have been citizens of Rochester and voters in said city.

"It is also a fact that five years ago the firm of Garson, Meyer & Co. forced its cutters to join the organization, in order that the firm might be given certain letters which would give it advantage over other manufacturers of the city in the clothing business. The only return for which the cutters asked was that when work was slack, the amount of work on hand should be equally divided, so that all the men should have an equal share, a condition which was accepted by the firm, but which was from time to time violated, until the organization insisted upon its observance.

"The gentleman of law has stated that schedules of work had been formulated by the organization and fines imposed upon its members for the non-observance of same. I challenge said gentleman, or any manufacturer, or any member of the organization, to prove that Local 136 has at any time made such schedule or collected a fine for any such reason.

"With reference to the incident of the man who was a member of one of our most prominent fraternal organizations, and was engaged to work for a clothing firm of this city, I will state that the firm which engaged this man had declared through its agents, while on the road, that it employed none but union men in its cutting room. This man was not of the union, nor had he ever worked in our line of business—that is, as a wholesale clothing cutter. He was employed because of certain relationship or other influence, nor did any committee wait upon the firm and demand his discharge. They only asked of the firm to lay the man off until he joined the union, and said that if the firm needed a competent man, the union would supply one, thereby enabling the firm to be in a position to prove at all times the assertion that none but union men were employed in its cutting department, which the agent was willing to wager while on the road.

"As for trades unions, they can not afford to consider fraternal orders any more than political parties. Now, as to night work. We wish at all times that night work might be entirely eliminated. Standing for thirteen hours on one's feet is really more than any of us cares to do, even if our employers do pay time and a half for it. We would be satisfied if they should increase the number of cutters, if such a move would do away with this night work. The firm of Stein, Bloch & Co. has repeatedly refused to employ Rochester cutters, preferring to send to other cities for men. And now that firm complains of outsiders coming here and disturbing conditions, after bringing them here itself, and even paying them more money than it would have paid to local men. The firm of Michael, Sterns & Co. refused to enlarge its cutting room to accommodate its business, and now complains of night work, as if the cutters were responsible for it. We would be satisfied, I say, if we had no such thing as night work.

"Now, as to the cause of our present trouble. We realize that in other cities, where the manufacturers of clothing are subject to conditions existing in larger cities, such as 50 per cent more rent, higher rates of taxation, which is especially true of Chicago, the cutters are paid from \$22 to \$24 for a 48-hour week. Yet the manufacturers have to compete in the same markets with the manufacturers of Rochester. We believe that, in justice to those who have already conceded the 48-hour week, we also are in duty bound to demand it. And as the seasons of work have been considerably shortened by the introduction of cutting machines, which are the emanation of labor, we believe that laborers should derive some benefit from them, as well as the employer. We are not introducing anything new, as this condition already exists in almost every other clothing center in the country. We deplore the necessity of forcing the tailors who are not in any way concerned in this strike into idleness. But we are hopeful that in the near future the existing differences may be satisfactorily adjusted and we may all resume work under normal conditions."

Immediately after the strike began, the firm of B. Rothschild & Co. opened negotiations with its cutters, seventeen in number, with a view to a settlement on the basis of an eight-hour day. During the first week of the strike conferences between the firm and a committee of three of the cutters, resulted in an agreement for a return to work on the following Monday (Oct. 19th) under the 48-hour week, the men to do an amount of work per week as agreed upon at the conference (but not made public), wages to remain as before the strike, and if within six months the eight-hour day should not be granted also by a majority of the other firms, then the nine-hour day should be restored. Before the 19th, however, the president of the cutters' union demanded that certain other conditions should be added to the agreement to which the firm would not agree and negotiations were suspended. About November 1st, however, the firm sent a personal letter to each of its cutters calling upon them to return to work on November 2d under the terms which had been agreed upon as noted above and this invitation the men accepted, resuming work on the 3d. So far as appears, the Rothschild agreement was the only settlement made in the course of the dispute. That firm, however, was not connected with the Clothiers' Exchange and its action had no effect on the general dispute.

Press dispatches would indicate that the employers had anticipated the strike some time before it occurred and had made preparations to meet it. At any rate they proceeded at once after the stoppage of work to energetic measures to secure new cutters. This was done partly by hiring men from outside the city and partly by instructing apprentices and young men to do the work. In these efforts they were successful enough so that according to



reports made to the State Board of Arbitration none of the firms was obliged to suspend operations and both employers and workers' reports indicate that few, if any, employees outside of the cutters were rendered idle by the dispute.

The cutters, in order to prevent the filling of their places, directed their efforts on the one hand to preventing cutters from coming to Rochester from other places, in which, since they had the support of their national organization, they were aided by the co-operation of the local unions elsewhere, and on the other hand to preventing those in the city from going to work by picketing the factories and endeavoring to induce would-be workers to join the strikers. The latter procedure led to not a few clashes between strikers and workers as the dispute progressed. These were almost entirely conflicts between individuals only, but they resulted in numerous arrests and several indictments for assault or inciting to riot, some of which led to conviction or pleas of guilty, in one instance fines of \$250 each being imposed upon three of the strikers with an additional penalty for one of three months in the penitentiary on account of second offense. But in spite of all the union's efforts the employers steadily increased the number of working cutters. On November 17 they announced that their force of cutters was three-fourths full and according to their final reports to the State Board of Arbitration they were operating their cutting departments full-handed in the first week of January, 1904. This marked the virtual end of the dispute although the cutters' union never declared the strike off nor lifted the boycott which was declared in the course of the dispute.

The total working time lost in the strike to January 1st is reckoned at 28,000 days. But this does not represent the total loss ultimately suffered by the striking cutters. Some of them in the course of time went back to work for their old employers, but the great majority of their places were filled by entirely new hands and many were unable to secure work elsewhere for many months. Thus the union reported to the Bureau of Labor Statistics that 297 members were idle on account of the strike during the first three months of 1904, and 294 during the months of July, August and September. Finally, the strike not only failed completely in all the other firms, but in the case of the firm of Rothschild & Co. which had granted the eight-hour day as recounted above there was a return to the nine-hour schedule in 1904, in accordance with the condition of the agreement providing for such a return in case the general strike failed.

## CLOTHING TRADES OF NEW YORK CITY.

The first protest of any magnitude in New York City against the open-shop edict issued by employers took place in the clothing industry on June 21st. The dispute was the outcome of the following declaration of principles by the National Association of Clothiers at its convention in Philadelphia on April 12th of this year:

"The clothing manufacturers of the United States, desiring to organize a labor bureau for the purpose of improving the conditions of manufacture, do declare the following principles as the basis and aim of their organization:

"1. The closed shop is an un-American institution; the right of every man to sell his labor as he sees fit and the freedom of every member to hire such labor are given by the laws of the land, and may not be affected by affiliation or non-affiliation with any organization whatever.

"2. The limiting of apprentices in skilled trades is not only harmful to industrial development, but deprives the intelligent American youth of a fair opportunity for advancement and tends to reduce him to the level of an unskilled laborer.

"3. The arbitrary restriction of output is economically wrong, and in morals dishonest. A contract of employment is a sale of the employee's labor for the employer's money, and intends an honest day's work on the one hand and a full day's pay on the other.

"4. According to the spirit of our institutions the laws of the land are of the general and equal application, and should be enforced, without regard to class or condition."

In May the National Labor Bureau of Clothing Manufacturers was established in New York City, with Isaiah Josephi as president.

While the dispute was impending there was considerable discussion relative to the open-shop question among the unions affiliated with the United Garment Workers of America, which organization was directly affected by the position assumed by the manufacturers, the former contending that the latter's action in favor of the open shop was merely a ruse to restore the sweating system. "These employers represent an industry upon which rests the odium of the sweating system," it was declared by the garment workers.

"Another feature that distinguishes this trade is that nearly all the workers that it employs speak the tongue of Eastern and Southern Europe. It can only be inferred from this singular condition that the distress of European refugees was utilized so to depress the standards of labor as to drive out of the trade the native workmen. This took place before the appearance of unionism in the trade, when the shops were 'free' and 'open' and the employers were unhampered. By systematically crowding the trade with immigrants and using the petty boss or contractor, himself often an immigrant, as his

agent, the manufacturers created a competition so desperate that the operatives, in order barely to live, had to work at the highest speed from early morning until midnight in squalid tenements. So appalling did the conditions become that society was stirred to action and laws were enacted to regulate manufacturing in tenements and to improve the sanitary condition of the shops. While these measures mitigated the conditions somewhat in respect to the physical surroundings, the tendency on the whole continued downward. Eventually, however, the spirit of revolt against economic dependence that had already moved the American wage-workers inspired the sweated tailors also, and about fifteen years ago there began a series of uprisings which finally crystallized in a sustained national movement, in which the tailors were reinforced by the coöperation of the better situated cutters. From that time on the tide turned, and gradually the hours of labor were shortened from fifteen to nine per day and wages raised to a living standard. Now the very employers who so thoroughly Europeanized the clothing industry by swamping the trade with aliens and by introducing the foreign system of manufacture denounce as 'un-American' the only means by which the brutalizing tendencies had been checked and the sweated workers had gained a measure of independence. The manufacturers, of course, did not declare against unions as such—that would be unpopular—but rather against the means by which unionism is made possible. By insisting upon the open shop they knew that concerted action by the workmen in the numerous small contract shops would be made impossible; that if non-union men could be introduced at will and unionists supplanted, and if the majority of the men would have to await the pleasure of some obstinate or faithless workman before action could be taken, unionism would have received its death blow. The employers who sanctioned those resolutions were also aware that should the resistance of the workers be weakened nothing on earth could prevent them from going back to sweating methods, no matter how much their conscience might revolt against it, as they would unconsciously lean to the side of their own interests, and, not knowing what their competitor was paying for labor, would make sure that they were not at a disadvantage in that respect by grinding in turn. The union is the means that alone enables the employers to pay decent wages and to carry on business with a conscience. The National Association of Clothiers, by proclaiming the open shop policy and taking steps to enforce it by establishing a national labor bureau and investing its executive committee with power to act in labor matters, has arrayed itself against the national union, and it will become the duty of the latter to resist with all its might this attempt at its destruction."

The associated manufacturers asserted that they also were opposed to the sweatshop and that they did not have any intention of restoring the system. They had resolved upon one course of action, and that was to maintain the open shop. For the employers it was stated:

"It is to avoid unwarranted encroachments that we have taken our action. We have no enmity toward organized labor; on the contrary, we fully recognize not only its propriety, but its power for good. It is utter folly for the

garment workers to assert that we are endeavoring to cheapen labor or to bring about sweatshop conditions; on the contrary, we distinctly recognize as legitimate activities of trade unions the improvement of physical conditions and the protection of the workingman as to his proper share in the distribution of his product. Fair-minded men in the trade will undoubtedly give the union some credit for its work toward establishing shops and factories, and also for its aid in abolishing sweatshops. Likewise the clothing manufacturers are entitled to credit for their work and motives in establishing their own shops and factories and in abolishing sweatshops. To-day probably, even in New York, it would be most difficult to find a sweatshop such as was pictured ten years ago. No one in the trade needs to be reminded of the magnificent advances the clothing industry has made during the last ten years. Human nature is the same everywhere. Through selfishness the sweatshop was abolished. The union has striven to have it abolished so that it could control the workers, for even the union realized that under the sweatshop system it was impossible to do so. The clothing manufacturers, in order to make better goods and to secure uniformity of style and quality in their respective products, worked to establish factories and to do away with the sweating system of clothing manufacture. These two selfish and therefore strongest interests worked individually and hand in hand accomplished the same result. The State Legislature during the past ten years has passed many bills against sweatshops, and to-day the laws in every State of the Union make it almost impossible for the sweating system to exist as it was known in New York ten years ago. Never again can the sweatshop system of manufacture be established in this line of industry. In view of these facts the adoption by the Clothing Manufacturers' Association of open shop principles can not in any way be construed to portend the re-establishment of sweatshops."

In the meanwhile the General Executive Board of the United Garment Workers of America presented the case to the American Federation of Labor and requested that organization to endeavor to arrange a conference with the employers. With that end in view President Gompers, of the Federation, entered into communication with President Josephi, of the Manufacturers' National Labor Bureau. Mr. Gompers in his first letter to Mr. Josephi stated that "it is quite evident that the relations between the members of your association and the members of the United Garment Workers of America are strained to a very serious extent," and suggested that a conference might be "productive of some good end to maintain the industrial tranquility in your trade and to bring about a better understanding than now obtains." President Josephi replied that he had "no information of any such condition prevailing, but from personal knowledge I am led to believe that only the friendliest feeling exists between our employees and ourselves." There was some further correspondence between these representative men, but the effort to arrange a conference between

the officials of the two national associations involved in the controversy was futile. Then it was that the Amalgamated Association of Clothing Cutters, in accordance with an existing agreement with the local organization of manufacturers, demanded a conference in order to "present evidence to show that certain firms, members of your association, have discriminated against members of our union by replacing them with boys and non-union men, and that wages have been reduced in some instances;" also avowing that "we are of the opinion, also, that your association is indirectly encouraging or assisting manufacturers in other cities with whom we are in conflict, and for above reasons we desire a conference in order that an understanding may be arrived at relative to our future relations." At the conference the union representatives, besides charging various members of the local association of clothiers with employing non-union men, complained against the association itself because it had sanctioned the posting up in cutting rooms of the preamble adopted at Philadelphia. The workmen wanted the notice "removed in the interest of harmony and a return to the amicable relations existing before the posting of the same." This the manufacturers declined to concede, averring that there was no intention of injuring the union. Regarding the other complaints the employers suggested that specific charges be made against the individual firms alleged to have violated the agreement and that the same would be investigated. The attitude of the employers was unsatisfactory to the clothing cutters, who soon afterward voted to go on strike. On June 20th the general executive board of the garment workers approved this action, and on the following day about 1,400 cutters struck in the 38 establishments controlled by the members of the manufacturers' organization. Within two days all the tailoring trades became involved in the dispute, and many thousands of these workers in the employ of contractors quit work in sympathy with the cutters.

In addition to the three unions of cutters there were 18 other unions of garment workers involved with a total of 8,182 members, besides 2,050 non-unionists, thus making a total of 11,632 employees actively engaged.

As the dispute was over the open shop question it may be assumed that the union reports cover all those who were directly concerned in the strike. Hence 11,632 is probably as accurate a statement of the number of direct participants in the strike as can be obtained. The number of workers who were indirectly

affected by the dispute still remains, however, a matter of mere estimate since there is no means of securing any accurate data as to the number of home workers involved and it is certain that large numbers of these unorganized workpeople were affected. The employers failed to supply the Bureau with any information concerning members involved.

During the pendency of the dispute the garment workers endeavored to enter into negotiations with the manufacturers' association, with the object of adjusting the differences, but the latter organization refused to grant the request and resolved "that the members of this association proceed at once to fill the vacant places and immediately adopt measures to teach others to become cutters and trimmers." The union then determined to pursue other tactics looking to a settlement and reported that its effort would be confined to treating with individual concerns. It stated that in this manner it had met with success in several instances, it being agreed by these employers that all strikers would be reinstated under the same conditions that prevailed prior to the posting of the open shop notices. The dispute continued until the first week in August, when it was closed, the garment workers reporting that individual concerns had agreed to displace non-union men as fast as possible, but the employers' association maintained that such was not the fact and that the union men had returned to work under the open shop rule. Anent the ending of the strike the union declared:

"As to the outcome, we are pleased to report, in spite of the dire predictions of the few and the promised annihilation of our locals in this vicinity by the Clothiers' Association in particular, that the object of the latter failed and our locals have emerged from the strike stronger than ever. All are back at work and peace reigns once more in the great clothing market of the East."

The individual union reports show not only how many of their members, which in very few cases included the entire membership, took part in the dispute, but state also the total days' work lost by them. It is found that the time lost by the members of different unions varies considerably, but amounts altogether to 390,000 days, as indicated in the following table:

TRADE.	Unions.	Number involved.	Average duration per member (days).	Total days.
Clothing cutters:				
Bronx.....	1	101	26	2,619
Brooklyn.....	1	350	39	14,500
Manhattan.....	1	950	25½	24,305
<i>Total</i> .....				<i>41,424</i>

TRADE.	Unions.	Number involved.	Average duration per member (days).	Total days.
Button hole makers.....	1	220	39	8,580
Coat makers (Brooklyn).....	1	491	39	19,149
Coat makers (Manhattan).....	3	1,650	36	59,550
Jacket makers (Brooklyn).....	2	600	26½	15,900
Jacket makers (Manhattan).....	2	1,400	30	42,120
Knee pants makers.....	1	400	30	12,000
Pants makers (Brooklyn).....	1	200	39	7,800
Pants makers (Manhattan).....	1	300	12	3,600
Pressers (Brooklyn).....	1	145	39	5,655
Pressers (Manhattan).....	2	1,015	37	37,650
Tailors.....	2	610	18	11,022
Vest makers.....	1	1,200	39	46,800
Union tailors.....	21	9,582	.....	309,975
Non-unionists.....	.....	3,550*	38½	137,775

It is estimated that the amount of time lost by other garment workers during suspension of operations was approximately 500,000 days. The unions report that \$58,000 was paid in strike benefits, of which \$24,000 was paid by the cutters' unions.

**SATURDAY HALF-HOLIDAY QUESTION SETTLED BY ARBITRATION IN FAVOR OF  
NEW YORK CITY BOOK AND JOB COMPOSITORS.**

A decision of considerable import to employers and workers in the printing industry was rendered by Hon. Samuel Seabury, justice of the New York City Court, who had been chosen arbitrator by the Typothetæ of New York City and Typographical Union No. 6 to hear and determine a point of difference that for some time had existed between the two associations named—one representing the employing printers, the other the employees in the book and job printing trade. The contention arose over the interpretation of that part of the shorter work-day agreement made at Syracuse in 1898 by the United Typothetæ of America and the International Typographical Union and kindred organizations which refers to the making up of the time lost in observing the Saturday half-holiday in the months of June, July and August, and paragraphs relating to the same in the local trade regulations that form a part of the three years' agreement that was entered into in 1902 by the Joint Conference Committee of the Typothetæ of New York City and Typographical Union No. 6.

The "nine-hour day, or fifty-four hour week," in accordance with the terms of the Syracuse agreement, went into effect on November 21, 1899; the same document also stipulating "that nothing in this agreement shall be construed to prevent local

\* Including 1,500 indirectly affected.

unions or establishments from mutually arranging the \* \* fifty-four hours \* \* so that Saturdays may be observed as Saturday half-holidays." Among the rules agreed to by the local Typothetæ and the Typographical Union in New York City is the following: "Fifty-four hours constitute a week's work. \* \* During the months of June, July and August the regular time on Saturday must end by 1 P. M., time thus lost to be made up according to the Syracuse agreement."

The matter was argued before Judge Seabury, as umpire, on May 27. It was shown by the union that its members in one of the largest composing rooms in the city had declined to work overtime during the week for the purpose of making up time lost on Saturday afternoons in June, July and August, contending that under the Syracuse and local agreements the workmen had the right to refuse to work more than nine hours in any one day, except at overtime rates.

To this construction the Typothetæ took exception, claiming "that we are entitled to fifty-four hours' service in the week under both agreements." The employers also declared that the words "or establishments" were put in the Syracuse agreement

"to leave each establishment to make such arrangement with employees as they desired. \* \* \* There is nothing in that agreement, unless that they must work 54 hours in the week for a specific sum, but that it may be mutually arranged that they may work more hours some days so that they may work fewer hours on Saturday. That is where the mutuality came in. \* \* \* There was nothing in the Syracuse agreement which says it shall be mutually agreed whether men shall work 48 or 49 hours; the only thing left to be mutually arranged at the present time is the 54 hours, so that Saturdays may be observed as half-holidays. In other words, Saturday under that agreement may not be observed as a holiday unless 54 hours are arranged for the other days of the week. \* \* \* This agreement calls for 54 hours. The typographical union is practically claiming that during three months 50 hours, or 49½ hours, shall constitute a week's work. \* \* \* We are not trying to make these men work over nine hours. We are trying to meet their wishes. We are trying to make them work until 5 o'clock. We want the output. We do not want to enforce rules upon our men and we do not want them to force advantages upon us. \* \* \* We are perfectly willing that employees should arrange those hours providing they are between 7 A. M. and 6 P. M., and if they want to work nine hours Saturday instead of working over, they have the right to do that, but what we say is that they have no right to close the place up on a 48 or 49 hour basis. \* \* \* We believe that the union has misinterpreted a certain clause in that agreement regarding the hours of labor. \* \* \* Our interpretation is that the 54 hours must be made up by them if they have the half-holiday. If they do not have the half-holiday they may work until 5:30 o'clock. All work performed after 5:30 P. M. on Saturday is overtime. \* \* \* The 54 hours is



a week's work, and during those three months that 54 hours must be made up by 1 P. M. Saturday. \* \* \* When they work to make up for the short Saturday they are not to be paid overtime."

For the union it was insisted

"that in the question of making up the lost time the employees have a right to make it up if they so desire and the firm is agreeable, or to refuse to make it up if they feel so disposed. \* \* \* The Syracuse agreement does not establish the Saturday half-holiday in June, July and August and can not be construed as compelling its observance either by the employer or employee. \* \* \* In no sense is it mandatory; it is simply permissive—that is, it allows a violation of the nine-hour clause under certain conditions. \* \* \* The paragraph referred to distinctly and explicitly vested all authority for the establishment of the Saturday half-holiday in the local unions and the local employers, to be, as the paragraph says, 'mutually arranged.' \* \* \* An arbitrary attempt by an employer to force his employees to work more than nine hours a day except at overtime rates is not a 'mutual arrangement.' There necessarily must be at least two parties to any mutual contract. \* \* \* There is no evidence that employees have mutually agreed to it; on the contrary, so far as this is concerned, the employees of the composing room absolutely refuse to agree to it. \* \* \* With the establishment of the nine-hour day in November, 1899, the Saturday half-holiday was introduced in this city, to be observed during the months of June, July and August. At that time no agreement whatever existed between Typographical Union No. 6 and the Typothetæ. At first the union refused to permit its members to make up time for the Saturday half-holiday. \* \* \* Later, however, the employees of each composing room were permitted to decide by majority vote whether the time should be made up. This method has been in force for many years and is recognized by the great majority of employers."

The union then submitted a list of 108 establishments that observed the Saturday half-holiday, but did not make up the time lost thereby, while only twenty-two offices provided for the making up of the time thus lost.

"The present scale of prices," continued the union's representative, "was put into effect in January, 1902. At the beginning of the half-holiday season in that year an arbitrary notice was posted in the composing room of a large concern, specifying that certain overtime would be worked during the summer months to make up the Saturday half-holiday. The employees of the composing room protested that they had been ignored. The establishment appealed to the Joint Conference Committee of the union and the Typothetæ. In that conference the union's representatives protested that the dispute was not a proper one to bring before the Joint Conference Committee; that the company had no right to ignore the employees, and we insisted that the dispute should be referred back to the concern and the employees for 'mutual arrangement.' This course was pursued and the dispute was adjusted. The following year a similar dispute arose in another office, but no definite decision was arrived at by the Joint Conference Committee, the interpreta-

tion of the union being accepted under protest. This year we have a similar case now presented for your consideration. \* \* \* The union does not refuse to permit its members to make up this lost time, neither does it insist that it shall be made up. We do insist, however, that our members shall not be compelled to work more than nine hours per day unless by mutual arrangement with their employers to make up the Saturday half-holiday. \* \* \* No employer will suffer financial loss by the enforcement of our interpretation of the Syracuse and local agreements. Even if you figure a loss of four and one-half hours per man it could easily be made up by putting on extra men. This is about the dullest season in the printing trade. If the contention of the Typothetæ is sustained and the employees are compelled to make up lost time for the Saturday half-holiday their hours of labor will be unnecessarily increased during the hottest and most uncomfortable months in the year, with the result that their health may be impaired."

In his decision, rendered on June 6th, Judge Seabury finds in favor of Typographical Union No. 6, concluding "that the time lost by reason of the fact that regular time on Saturday during June, July and August must end by 1 P. M. is to be made up as overtime at such times as shall be mutually agreed upon, and is not required to be made up as regular time during the other days of the week." His judgment is that "to the extent that the local agreement creates a Saturday half-holiday, it provides for something outside of the Syracuse agreement, just as it does by those provisions which call for the observance of legal holidays, although neither of these provisions are in any way inconsistent with the Syracuse agreement." And further: "Nothing in the local agreement impairs the fifty-four hours week as the minimum time to which the employer is entitled, but it does determine what part of it shall be worked and paid for as regular time and what portion of work done in the week shall be paid for as overtime. Thus it is clear that the general provision requires that fifty-four hours shall constitute a week's work, but that during the months of June, July and August the regular time on Saturday must end at 1 P. M., and that the time thus lost may in the manner mutually arranged as provided by the Syracuse agreement be made up as overtime. This construction contravenes no provision of the Syracuse agreement, while it gives effect to the provisions of the local agreement." The full text of the decision and award follows:

It is admitted by the Typothetæ of the city of New York and the New York Typographical Union No. 6 that the Syracuse agreement does not establish a Saturday half-holiday. That agreement provided for the inauguration of a shorter workday on the basis of the nine-hour day or 54-hour week on and after November 21, 1899. It contains the following provision:

"That nothing in this agreement shall be construed to prevent local unions or establishments from mutually arranging the \* \* \* 54 hours, \* \* \* so that Saturdays may be observed as Saturday half-holidays."

On February 26, 1902, the Joint Conference Committee of the Typothetæ of the city of New York and the New York Typographical Union No. 6 entered into an agreement in relation to prices, shop rules and practices. This agreement has been designated and will in this decision hereafter be referred to as the "local agreement." It prescribes with great detail the rules to be observed by the local Typothetæ and local Typographical Union. Section 86 of the local agreement provides as follows:

"Fifty-four hours constitute a week's work. \* \* \* During the months of June, July and August the regular time on Saturday must end by 1 P. M., time thus lost to be made up according to the Syracuse agreement hereto annexed."

The controversy which is the subject of this arbitration relates to the interpretation to be accorded this clause when it is construed in connection with the provisions of the Syracuse agreement and certain other provisions of the local agreement to which reference will be made. The matter in dispute relates merely to the months of June, July and August and has no application to any other months in the year.

The contention of the Typothetæ is that under these agreements all employees must work 54 hours a week and that the time lost on Saturdays shall be made up as regular time upon the other work days of the week. In other words, it contends that employees shall work longer than nine hours on other days of the week without extra pay because the work day on Saturday closes at 1 P. M. Typographical Union No. 6 contends that employees need not work more than nine hours a day to make up the time lost on Saturday, except as overtime, which shall be worked in the manner mutually agreed upon. In interpreting these agreements an endeavor must be made to ascertain the intention of the parties to them. This intent can not be ascertained by detaching any one sentence from its context and making it the subject of construction. Both agreements must be read together and all of the provisions of each must be considered to determine how far they point to the real intention of the parties. While the language used is to be interpreted in its ordinary sense, the spirit of the agreements must be discovered and followed rather than to attempt to apply a literal or narrow construction to the language employed. The Syracuse agreement makes no provision as to the rate of wages to be paid employees, while this subject is fully dealt with in the local agreement. The local agreement speaks of "regular time" and also of "overtime," and provides that extra compensation shall be paid for "overtime." The construction of the Typothetæ is based upon the fact that both the Syracuse agreement and the local agreement provides for 54 hours work in a week. The local agreement, however, prescribes the manner in which this 54 hours shall be worked, by prescribing positively that during the summer months "regular time on Saturday must end at 1 P. M.," and that the time thus lost is to be made up according to the Syracuse agreement. The provision of the Syracuse agreement referred to is permissive merely and enables the local Typothetæ and local union mutually to arrange the 54 hours, so that Saturdays may be observed as half-holidays. To the extent that the local agreement creates a Saturday half-holiday, it provides for something outside of the Syracuse agreement, just as it does by those pro-

visions which call for the observance of legal holidays, although neither of these provisions are in any way inconsistent with the Syracuse agreement. That the local agreement intended to create the Saturday half-holiday is attested by several of its provisions other than the one now especially under consideration. Nothing in the local agreement impairs the 54-hour week as the minimum time to which the employer is entitled, but it does determine what part of it shall be worked and paid for as regular time and what portion of work done in the week shall be paid for as overtime. Thus it is clear that the general provision requires that 54 hours shall constitute a week's work, but that during the months of June, July and August the regular time on Saturday must end at 1 P. M., and that the time thus lost may in the manner mutually arranged as provided by the Syracuse agreement, be made up as overtime. This construction contravenes no provision of the Syracuse agreement, while it gives effect to the provisions of the local agreement. It is difficult to see how more positive or explicit language could have been used than the words "the regular time on Saturday must end at 1 P. M." It is evident also that the words "regular time" were designedly used in this place so as not to conflict with the provision that 54 hours constitute a week's work, while at the same time clearly indicating that work done to make up the time lost by reason of the short day on Saturday should not be made up as "regular time." Thus construed, section 86 of the local agreement is in entire harmony with the Syracuse agreement, which attempts to prescribe the number of hours to be worked and not to determine the compensation to be paid. The matter of compensation is entirely unaffected by the provisions of the Syracuse agreement, but it is the subject of regulation in the local agreement, which clearly distinguishes between compensation for "regular time" and for "overtime." During the months of June, July and August work done on Saturdays after 1 P. M. is overtime, as is all work done on other days after nine hours' work has been performed. This construction is not only in harmony with the Syracuse agreement, but it is consistent with the other provisions of the local agreement. Section 102 of the local agreement provides that "all piece compositors working on Saturday half-holidays shall be paid eighteen cents per hour extra."

This section, like section 86, does not diminish the number of hours required, but provides for an increased rate of payment for work done on Saturday half-holidays. Section 103 of the local agreement provides that:

"During the half-holiday season of June, July and August the regular time on Saturday in offices making up the Saturday half-holiday must end by 1 P. M.

I think that this section is a further expression of the intention to declare Saturday a half-holiday during the summer months and was designed further to accentuate the fact that offices making up the Saturday half-holiday, even as overtime, could not, except by mutual consent, extend the hours on Saturday during this season of the year beyond 1 P. M. Section 127 of the local agreement contains the following provision:

"Saturday half-holiday to be time and one-half."

This provision not only indicates the intention to establish a Saturday half-holiday, but clearly prescribes that work done after the closing hour on Saturday should be paid for as overtime. The right to the Saturday half-holiday is as clearly recognized by the local agreement as is the regular legal

holidays. Section 98 of the local agreement not only makes this perfectly clear, but it says as plainly as language can declare that work done on Saturday half-holidays during the summer months shall be paid extra. That section provides as follows:

"All legal holidays shall be paid double price, except the Saturday half-holiday, which shall be paid price and a half during the months of June, July and August."

In coming to the conclusion already stated, I have not overlooked the contention urged by the Typothetæ, that all of the clauses quoted mean that the Saturday half-holiday shall exist only after the 54 hours shall have been previously worked. I can find nothing in either of the agreements to sanction this construction, and it is based solely upon the general provisions providing that 54 hours shall constitute a week's work. To adopt it would, in my judgment, not only be violative of the spirit of these agreements, but would interpolate into these several clauses of the local agreement a provision which was neither intended or expressed. If the construction of the Typothetæ be correct when applied to work on Saturday during the summer months, it is equally applicable to legal holidays, and employees should make up as regular time during the week the time thus lost by reason of the intervention of a holiday, the observance of which is provided for by the local agreement. Such a construction has never been even suggested much less adopted, and yet there is no reason why if it is applicable to the Saturday half-holiday it should not apply with equal force to every legal holiday.

All this seems to me to be perfectly clear, but if a doubt exists as to the correctness of this interpretation and the language of the agreements under consideration be regarded as at least ambiguous or doubtful, there is still another fact, a consideration of which leads to the same conclusion. The local agreement took effect April 1, 1902, and will expire January 1, 1905. Since it went into effect a large number, if not a majority of the members of the Typothetæ employing members of the local Typographical Union have not required the employees to make up the time lost by the Saturday half-holiday as regular time. Thus it appears that a large number of the members of the local Typothetæ have accepted the construction for which the local Typographical Union now contends, and the question of the correctness of this construction is raised as to the three months of the last summer to which the local agreement has any application. It is a well-settled rule for the legal interpretation of contracts, that the practical construction put upon a contract by the parties to it is sometimes almost conclusive as to its meaning. In commenting upon this rule the Court of Appeals of this State, through Judge Peckham, in *Woolsey v. Funke*, 121 N. Y. 87, said:

"Under such circumstances the practical interpretation of this agreement by both parties is a consideration of very great importance."

The same rule and the reason upon which it is based was forcibly expressed by the Supreme Court of the United States by Mr. Justice Swayne in the case of the *Insurance Company v. Dutcher*, 95 U. S. 269, 275, in the following language:

"The construction of a contract is as much a part of it as anything else. There is no surer way to find out what parties meant than to see what they have done. Self-interest stimulates the mind to activity and sharpens its perspicacity. Parties in such cases often claim more, but rarely less than they are entitled to. The probabilities are largely in the direction of the former."

For the reasons assigned, I hereby decide and award:

*That the time lost by reason of the fact that regular time on Saturday during June, July and August must end by 1 P. M., is to be made up as over-time at such times as shall be mutually agreed upon, and is not required to be made up as regular time during the other days of the week.*

June 6, 1904.

(Signed) SAMUEL SEABURY,  
Arbitrator.

#### GLOVE CUTTERS OF FULTON COUNTY.

A schedule of prices was agreed upon between the Fulton County Manufacturers' Association and the Fulton County local of the International Glove Table Cutters' Union in 1902 for the year from December 1, 1902, to November 30, 1903. Therein was a clause providing that "Any change in prices for the year ensuing expiration of this contract to be brought up at a meeting between the Manufacturers' Association and Table Cutters' Committees, to be held at their mutual convenience about September 1, 1903." It does not appear that any conferences were held prior to the first of December, when the above agreement expired, but during the first days of that month several conferences between representatives of the two organizations were held to consider a new schedule. On price questions no serious difficulties in the way of a mutual agreement were experienced, but the insistence of the manufacturers that there should be no discrimination between union and non-union men met with determined opposition from the cutters and for the settlement of this issue the conferences were without avail. Finally on December 9th, at a meeting of their association which lasted several hours, the manufacturers resolved to adopt their own schedule and post it in the shops on the 21st as the conditions for 1904. The schedule so adopted contained precisely the same prices, with one additional item, as those in the 1903 agreement, to which was appended the following clause:

"It is mutually agreed between the members of the Glove Manufacturers' Association, and the individual cutters accepting work under this schedule, that there shall be no discrimination as between union and non-union labor, and that the principle of the 'Open Shop' shall be recognized during the term of this agreement."

In harmony with the intent of this clause there was also a change in the 1903 provision under which prices for any special work not specified in the schedule were to be adjusted "between the manufacturer and joint committees of the Manufacturers and Table Cutters' Associations," so as to make it read that such adjustment should be made simply "between the manufacturer and the cutter."

The manufacturers' schedule was posted in the shops on December 21st with the result that the cutters, having read the schedule, left the shops in the afternoon and after a long session in mass meeting determined to strike at once against the open-shop clause. Some of the cutters returned to work long enough to finish cutting the skins upon which they had already begun work, but except for this all the "International" table cutters were out from December 21. In the latter part of January the American Table Cutters' Union decided to support the other organization by going out in sympathy in the shops belonging to the manufacturers' association. The striking cutters numbered in all about 600 men and their suspension threw out of work some 2,000 makers and finishers, the great majority of these being women.

Throughout the controversy the one question of the open shop remained the sole point at issue, and the dispute soon settled down to a simple trial of strength between the two parties. The struggle was throughout notably free from violence. The usual incitement to lawlessness in the introduction of non-union workers was in fact entirely absent in this dispute owing to the peculiar circumstances of the industry. Table glovecutters are the cutters for the finer grades of gloves, whose manufacture in the United States is confined almost entirely to Fulton county; so that the two organizations of Gloversville and Johnstown embraced practically the entire available supply of skilled cutters. According to a Gloversville press report the low steamship rates of this year induced three Bohemian table cutters to come over from Europe and seek employment in that city during the dispute; but only one went to work, the other two being persuaded by the union to take no work during the controversy.

There was little change in the situation until the middle of May. On the 19th of that month the union proposed a substitute clause for the open-shop provision of the manufacturers' schedule and suggested a conference to consider the same as indicated in the following letter:

GLOVERSVILLE, N. Y., *May 19, 1904.*

Hon. L. N. LITTAUER,

*Pres. Manufacturers' Ass'n, Gloversville, N. Y.*

DEAR SIR: In behalf of the officers and members of the International Glove Table Cutters' Union I respectfully submit the following clause as a substitute for the clause in schedule as presented by your association:

"It is agreed by the Glove Manufacturers' Association that there shall be no interference with the shop committees of the International Glove Table Cutters' Union in regard to collecting dues, or persuading men to join their union, and further recognizes the right of their employees to quit work.

"It is also recognized by the International Glove Table Cutters' Union that the Glove Manufacturers' Association have the right to employ whom they please, and it is further agreed that the International Glove Table Cutters' Union shall not demand the discharge of any non-union man in their employ.

"It is further agreed that when differences arise between employer and employees which cannot be settled between themselves, that the difference shall be referred to the respective associations for their decision by arbitration, and that pending such settlement the employees continue to work.

"This agreement to apply to questions of price and methods of working."

If it is agreeable to you we would be pleased to confer on the basis of this communication at your convenience.

GEO. H. TAYLOR,

*President International Table Cutters' Union.*

The Manufacturers' Association considered this proposition at a meeting held for the purpose and sent the following reply, finally terminating negotiations with the union, at the same time issuing a statement that the shops were open for the men to return to work at any time.

GLOVERSVILLE, N. Y., May 21, 1904.

MR. GEORGE H. TAYLOR,

*President International Table Cutters' Union, Gloversville, N. Y.*

DEAR SIR: Your letter of May 19th came duly to hand, and was this day considered at a meeting of the Glove Manufacturers' Association, who directed me to inform you that they had unanimously passed the following resolution:

"Resolved, That no further conferences be held with the representatives of the International Table Cutters' Union on matters connected with the present strike, no matter how long it may last."

Yours truly,

L. N. LITTAUER, *President.*

All hope of negotiating a settlement being thus removed, the end of the dispute became simply a matter of endurance. A few of the cutters straggled back to work during the early summer, but according to the union officials 80 per cent remained out till the end, and on the 6th of June a vote of the union at a special meeting resulted in favor of continuing the strike. Finally on June 27th, however, a serious break in the strikers' ranks occurred, when a number of the Italian members of the cutters' union decided to return to work. This action was taken just prior to a general meeting of the union called for the 28th, and the outcome of this meeting was a vote to return to work, which ended the strike.

This dispute was on the whole the most serious that has disturbed the Fulton county glove industry. The numbers involved were not so great as in the Knights of Labor strike of 1886\* or the block cutters' strike of 1903,† but in duration it far exceeded

\*See annual report of the New York Bureau of Labor Statistics, 1886, pp. 436 and 561.

†See Report of Board of Mediation and Arbitration, 1903, pp. 112-4.



either of those, the K. of L. dispute having continued ten weeks and that of the block cutters last year eleven weeks, while this latest controversy continued for six months and occasioned a loss of nearly 400,000 days' work. Besides the direct losses incurred by both employers and employees during the cessation of work there were disastrous after effects suffered by both sides. Thus for the workers, the defeat which they sustained in the conflict has very nearly resulted in the extinction of their organization as shown by the following figures from the trade union returns to the Bureau of Labor Statistics:

UNIONS AND MEMBERSHIP IN FULTON COUNTY GLOVE INDUSTRY.

	Sept. 1903.		Sept. 1904.	
	Unions.	Members.	Unions.	Members.
Glove cutters.....	5	1,081	4	560
Glove makers.....	11	759	7	343
Total.....	16	1 840	11	903

On the other hand, a press dispatch of October 18, 1904, reports the failure of one of the dozen largest glove manufacturers in Fulton County in 1903—a firm which in the latter year employed over 100 hands and whose liabilities amounted to \$500,000 with nominal assets of \$300,000—whose representative at a meeting of creditors in New York City assigned the strike as the principal cause of the failure.

#### LITHOGRAPHIC TRADES IN NEW YORK CITY, BUFFALO AND ROCHESTER.

A serious industrial dispute, which had its inception in New York State and extended throughout the country, was among the important events chronicled in the labor world in the early spring of this year. This conflict was in the lithographic industry and involved the three groups of the Employing Lithographers' Association (East, West and Pacific) and six international trade unions—the Lithographers' International Protective and Beneficial Association of the United States and Canada, the Lithographic Artists, Engravers and Designers' League of America, the Poster Artists' Association of America, the International Protective Association of Lithographic Apprentices and Press Feeders of the United States and Canada, the Lithographic Stone and Plate Preparers' Association of the United States and Canada, and the Paper Cutters' Union No. 119 of the International Brotherhood of Bookbinders. The dominant contention in this controversy of national note hinged upon the refusal of the unions to become parties to an agreement providing for an

arbitration plan that was espoused by the associated employing lithographers. Three localities were affected in this State—New York City, Buffalo and Rochester—in which cities the workers are cohesively organized, and from March 17th to April 20th 1,898 men in the metropolis and 138 and 82, respectively, in Buffalo and Rochester (a total of 2,118) were idle owing to the shut-down in the establishments affiliated with the employers' association.

It appears that the action of New York Subordinate Association No. 1, Lithographers' International Protective and Beneficial Association, precipitated the dispute. This union states that in 1902 the large employers in the industry formed an association and almost immediately thereafter insisted upon the adoption of an arbitration agreement. The workers' association viewed the proposition with disfavor, claiming that for upward of twenty years there had not been any serious controversy between employer and employed, the union had not made any unreasonable demands and did not have any intention of doing so; that all grievances had been adjusted satisfactorily and that there was not any need for a written compact to introduce unnecessary methods in the settlement of possible trade disputes. But the direct cause of the trouble occurred in August, 1903, when the union notified the employers that it had adopted an advanced minimum scale of \$25 per week for transferrers—skilled workmen whose lowest rate was then \$22—the new schedule to become effective on the 2d of November following. Later on, it announced the adoption of a time and one-half rate for supper, when its members were required to work overtime. To these demands the New York Group of the Lithographers' Association, on October 9th, informed Subordinate Association No. 1—

"That it is prepared to consider the question of the minimum scale of wages, the allowance of time for supper, or any other question, proposition or issue affecting the interests of the employer and the employee that Subordinate Association No. 1 may bring forward, and to settle and determine all such questions or issues under the principle of 'mutual government' by abiding the decisions of a mixed tribunal established for that purpose, and consisting of equal delegations from both organizations."

The union, after due consideration of this communication, appointed a committee of five members to confer with a like committee of employers. After a week's discussion an agreement, to be in force for six months, was signed by both sides on October 30th. It stipulated—

"That all complaints, grievances and disputes arising between the two associations shall be at all times placed before a joint commission for settlement; this joint commission to consist of an equal number of delegates to be elected by the two respective bodies as each grievance arises. The decision of the said joint commission shall not be final or binding upon either party unless ratified by both associations. In the event of a failure to agree on the part of the two associations, the question at issue then shall be submitted to arbitration, in which event the decision of the arbitrators shall be final and binding upon both associations."

Subsequently, under this agreement, a special joint commission adjudicated the matter in relation to the allowance of time for supper, deciding that when men are required to work thus for a period exceeding one and one-half hours they shall be allowed one-half hour for meals, this time to be paid for at the overtime wage-rate. The same commission determined that the question of an increased minimum scale of wages for transferrers should be considered at a future session.

At this juncture the General Executive Board of the Lithographers' International Protective and Beneficial Association informed Subordinate Association No. 1 that it was forbidden by the constitution of the international union to demand an increase of pay or to enter into an agreement with employers without the consent of the international association, and that consequently the contract that it had signed was null and void. The local branch thereupon notified the New York group of employers that according to the laws of the parent body it did not possess the power to enter into the agreement, which therefore was without effect, and at the same time it withdrew the demand for an increased wage for transferrers. The employers, however, insisted upon the adoption of an arbitration plan, and on January 28th letters were sent to the officers of the international unions, as well as to the subordinate associations in New York City, requesting conferences for the purpose of discussing and solving the matter. In February committees from both sides met to consider the situation in the trade, and the unions' representatives having announced the opposition of their bodies to the arbitration plan, the employers' association issued an ultimatum to the different organizations of the workmen to the effect that, unless agreements to establish arbitration were drawn and executed between the various unions and the employers' association by March 15th, the latter would refuse to treat with the former, but would deal with employees individually. This resulted in another conference on March 7th, when a second one was arranged for

March 12th, on which date the unions' committeemen submitted the form of an agreement, which in substance provided:

1. That the employers' association shall employ in their respective establishments none but union members in good standing; provided, however, that in all cases where employers have been employing non-members of the organizations between the 1st and 10th of March, 1904, such employees may be continued and retained in their said employment.

2. During the term of the agreement the rate of wages to be paid to union employees and their labor hours shall be the same as have been in force in the various establishments between the 1st and 10th of March, 1904; compensation for overtime and holidays likewise shall be made in the same manner in which it has been made between the dates mentioned.

3. The ratio which the number of apprentices has been bearing to the total number of journeymen between the 1st and 10th of March, 1904, shall not be changed, nor shall the quantity of piece work, contract work or task systems, nor the number of piece, contract or task workers be increased.

4. All disputes or differences to be submitted for settlement to a joint committee consisting of an equal number of delegates to be elected by the two parties to the agreement. In the event of the committee's failure to arrive at a decision, the case shall be submitted to three arbitrators, one selected from the unions, one chosen by the employers' association and the third by the two so elected, the decision of a majority of such arbitrators to be final and binding. If any member of either association refuses or neglects to carry out any decision, both parties to the agreement shall cooperate and use their joint influence and power to secure compliance with such decision.

5. Strikes or lockouts shall not be declared by either party during the life of the agreement.

6. The agreement shall be executed and enter into force when ratified by all the organizations affected thereby and shall remain binding and operative for one year.

The employers declared that the workmen's agreement was unsatisfactory and would not be entered into by the former's association, which renewed its "demand upon the unions that a plain, simple arbitration agreement establishing arbitration methods and joint action and eliminating strikes and lockouts for one year would be acceptable and must be made before the 15th of March." A counter proposition was then presented by the organized employers. This stipulated:

1. That all national questions of mutual concern, complaints, grievances and disputes arising between the two associations or their members shall be referred for settlement to a national joint commission, comprising equal representation from each association; both parties to abide by its findings. Should the joint commission fail to arrive at a decision, the matter shall be referred to a board of three arbitrators—one to be selected by the Lithographers' Association (East, West and Pacific), one by the unions, and these two to choose a third—whose decision shall be final and binding.

2. Strikes or lockouts shall not be permitted, but all differences shall be submitted to the joint commission and work shall proceed without stoppage or embarrassment.

3. In the event of a refusal or neglect on the part of any member of either association to carry out or fulfil any decision of the joint commission or arbitration board, both parties to the agreement shall coöperate and use their joint influence and power to enforce compliance.

4. Questions of dispute must be submitted to a joint commission within fifteen days, if possible, but within thirty days at the most; to continue in session until settled.

5. Local questions of mutual concern, complaints, grievances and disputes arising between the two associations or the members thereof shall be referred within twenty-four hours for settlement to a local joint commission or arbitration board formed in the manner prescribed for the selection of a national joint commission, or board of arbitrators.

6. During the year beginning March 15, 1904, the established rates of wages obtaining in the various localities on that date shall not be increased, and the conditions at that time existing in the country with reference to the closed and open shop shall be preserved unchanged; that is to say, that such shops as are on the date named, non-union, may employ non-union men, and union shops shall employ only union men, unless the unions can not supply the necessary help; that all shops which on the date named employ both union and non-union men may continue to employ both.

7. Both parties agree that they will incorporate in their respective constitutions and by-laws such clauses as will make recognition of this joint agreement a part of the organic law of their respective associations.

8. The agreement shall remain in force for one year from March 15, 1904, and unless written notice of intention to discontinue shall be served by either party at least ninety days before the expiration of said year it shall be operative for the further period of one year, and so on from year to year.

The unions' representatives requested and were given until March 13th to send in an answer. Owing to the short time intervening before March 15th it was suggested by the chairman to telegraph and have special meetings of all the organizations called as soon as possible prior to that date. According to promise, the committee representing the several lithographic unions, on March 13th addressed this note to the Joint Executive Committee of the Lithographers' Association (East, West and Pacific):

"Having submitted to your association an agreement which fully met with our approval, and that agreement having been set aside and a new one submitted by you, we hereby notify you that the new agreement does not meet with our approval. But, feeling that it is the best we can expect from you under the circumstances, we agree to submit it to our respective locals for their vote on the line suggested by your chairman, with the understanding that every effort will be made to secure returns before March 15th."

The committee of employers replied that—

"A careful reading of this letter does not make clear whether or not you intend to endeavor to secure favorable action upon this agreement by your

various locals. Please inform us by bearer just what your intentions are in this respect."

In response the unions' committee informed the employers that—

"We have called special meetings of our various respective locals for Tuesday evening, explaining by telegram to distant places briefly the substance of the agreement offered by you and sending the agreement in full to the cities which could be reached by mail before Tuesday evening, and have required returns of the locals' votes by wire."

It was reported by the employers' association that immediately upon the receipt of the foregoing it telegraphed its members to wire the results of the meetings of the different unions, and that up to March 15th, with few exceptions, it had received from the local bodies the answer that they could not act until they had received instructions from the national board. The employers claimed that this was a breach of faith on the part of the unions' committee, which asserted that it had fully complied with the pledge it had made. In the evening of March 16th the employers put their ultimatum into effect by submitting an individual agreement to each employee, the latter being called upon to agree—

"Not to take part in any strike against the establishment of any member of the Lithographers' Association, and the Lithographers' Association agrees not to enforce any lockout against said employee, and should the said employee be dropped from membership in any union because of his having signed this agreement and if said employee shall actually remain at work at the time in the establishment of a member of said association, then the said association binds itself to protect the said employee in his job, either by insisting, as a part of any settlement with any union, that the said employee may join any union applicable to his calling, and shall be received by it without the imposition of any fine or penalty, or by insisting that the said employee may hold aloof therefrom and secure the right to work peaceably side by side with members of the union. This agreement shall be in force and binding for one year from its date unless replaced by a similar agreement between said association and the union of which said employee may be a member at the time. The said employee's right to protection, above guaranteed, shall, however, be secured to him, in case of any such agreement with such union; and the part of this agreement guaranteeing protection to said employee shall in all cases remain in full force and effect until March 16, 1909."

The unions objected to their members signing the individual agreement and on March 17 they ceased work in all establishments under the jurisdiction of the employers' association, regarding the affair as a lockout. This view of the matter, as expressed by one of the leading unions that participated in the dispute, voiced

the sentiments of all other organizations that were affected by the controversy:

"On March 17th our members were locked out for refusing to sign an individual agreement not to strike for one year and for us to cast aside our organization; the employers' association refusing to recognize us for not signing their agreement, which in time would dissolve our organization."

The dispute was in full progress at the beginning of April with slight prospects of adjustment, when through the intermedial efforts of the National Civic Federation the belligerents were induced to hold a conference in New York City for the purpose of taking steps to restore peace in the industry. This joint committee finally, on April 11, drafted an agreement, which was submitted to a referendum vote by the union officials and adopted, only one organization in New York casting a majority against the proposition; but this union gracefully yielded to the will of the majority of members in the organizations in the United States, and the agreement was signed on April 20, as of April 11, operations being resumed in the shops on the 21st of that month. The text of the contract, which embodies the ideas of both sides to the controversy, and is therefore a compromise measure, is reprinted (Agreement No. 26) in the next chapter.

#### SHOE WORKERS OF ROCHESTER.

On October 12, 1903, a strike occurred at the shoe heel factory of A. J. Bolton in Rochester to enforce a demand for a fifteen per cent advance in wages. At the time 101 men and seven women were employed in the factory, of whom 78 men went on strike.

As soon as the strike was inaugurated the employer gave those who had gone out their discharge and from then on proceeded gradually to fill the strikers' places with non-union hands. The men, however, having the support of their local union and national organization—the Boot and Shoe Workers' Union—continued the strike, bending their efforts toward preventing new men entering the firm's employ and remaining idle themselves with very few exceptions throughout the winter, being aided by strike benefits from their union. Press dispatches reported one case of arrest for alleged annoyance of a worker in the factory by members of the union, but otherwise the contest appears to have been conducted in an orderly manner throughout. The employer's efforts to fill up his working force proved gradually successful, however, and in the spring many of the strikers sought and found work in other shops, and on May 28 the strike was

finally declared off leaving those of the strikers who desired to do so, free to seek their former places, so far as any were vacant, at the old rates of pay. Although the number of participants in this dispute was not large, its long continuance caused a considerable loss of working time which is roughly estimated in round numbers at 10,000 days.

#### SILK RIBBON WEAVERS OF NEW YORK. :

During the forepart of the year 1904 the firm of Kaltenbach & Stephens, who have in Brooklyn Borough, New York City, one of the largest silk ribbon manufactories in this country, made certain propositions to their weavers looking to a reduction of prices for weaving. The firm alleged that while they were paying 80 cents per cut, other mills which competed with them were paying but 60 cents per cut, and that unless the other establishments were induced to pay the 80-cent rate also a reduction would be necessary in order to enable the firm to meet their competition. The weavers, however, who were members of United Silk Ribbon Weavers' Union of America No. 2, refused to acquiesce in a reduction. Finally in the latter part of May the firm announced that a reduction of 15 cents per cut would go into effect on June 4. This the weavers, 180 in number, resisted by refusing to go to work on the date mentioned, whereupon the firm closed the entire plant, throwing 160 winders, warpers, spoolers, finishers, twistors and others, all women, out of work also.

After a two months' test of endurance, which entailed a loss of about 8,800 days time for the striking weavers and 7,800 days for the others, the strike was terminated by an agreement reached by conference of a committee from the union and the firm under which the price for weaving was reduced 12 per cent, and strikers returned to work on August 1.





## IV.

### JOINT TRADE AND INDUSTRIAL AGREEMENTS.

The following pages reproduce 45 joint trade agreements signed in this State in the period covered by this report. Fourteen of these agreements terminated strikes or lockouts described in Chapters II and III, while the remaining 31 were adopted without interruption of work. The agreements are arranged in five groups: Building Industry (13), Transportation (15), Printing (4), Food and Liquors (9), Miscellaneous (4).

#### BUILDING TRADES.

##### (1) ALBANY BUILDING INDUSTRY.

[There are two associations of employing builders in Albany, namely, the Builders' Exchange and the Albany Builders' Association. The members of the former renewed their trade agreements with the workmen's unions and also signed the following industrial agreement providing for arbitration of disputes; the members of the second-named association did not sign agreements but issued a declaration of policy which is reprinted in the footnote\*]

*Plan of Agreement Entered into this 23d Day of February, 1904, by the Building Trade Section of the Central Federation of Labor of the City of Albany, N. Y., Composed of the Delegates from Each Local Union Affiliated, Whose Members are Directly or Indirectly Employed in the Erection, Construction and Repairing of Buildings, Party of the First Part, and the Building Contractors and Employers of the City of Albany, Party of the Second Part:*

1. Where an agreement exists between employers and employees, all disputes in relation thereto shall be settled by a board of arbitration with an umpire if necessary. The decision of said board or umpire shall be final.

\* THE ALBANY BUILDERS' ASSOCIATION announces to all who contemplate building during the coming year, that through its membership (comprising as it does, all branches of the building trade), they are ready and willing to accept any contract large or small and with this

#### GUARANTEE

That only good first-class mechanics will be employed. That only good first-class material will be used. That the work will always be under the direction and immediate supervision of competent, reliable men. That all contracts will be promptly and satisfactorily completed without annoyance.

We run open shops only, and are consequently not hampered by union rules, or our work impeded by walking delegates, both of which have been the cause of so much annoyance and delay during the past year or more.

We hire our employees as individuals, each on his own merit and capabilities, regardless of whether they belong to a union or not.

Any further information will be furnished on arrangement made by addressing

ALBANY BUILDERS' ASSOCIATION,

March 8, 1904.

448 Broadway.

Or any of the following Board of Directors:

M. L. Ryder Building Co., 215 Lark street; Thomas Stephens & Son, 275 Lark street; James Ackroyd & Sons, 12 James street; Peter Keeler Building Co., 464 Orange street; John Dyer, Jr., Albany Trust Co. Building; James Blokridge, 2 High street; Albany Material and Construction Co., Tweddle building; James Hunter Heating and Contracting Co., 1-7 Church street; Ridgway & Tyler, 95 State street; Rufus K. Palmer, 25 Washington avenue; Maurice Mead, 211 Sheridan avenue.

2. The question of sympathetic strike or lockout and all questions as to jurisdiction of trades must be referred to the general board of arbitration, it being agreed and understood that such kinds of work as have been in the possession of a trade are not subjects for arbitration.

3. Each employer or contractor association represented in the joint association of building contractors of the city of Albany, N. Y., shall elect two (2) arbitrators, who shall serve for not less than six months.

4. Each union represented in the Building Trades Section of the Central Federation of Labor of Albany, N. Y., shall elect two (2) arbitrators, who shall serve for not less than six months. Such arbitrators shall at their election be actually engaged in their trade for an employer of the city of Albany, N. Y.

5. Business agent shall become disqualified for serving as a member of the arbitration board from the date of his election or appointment to said office.

6. Each arbitrator elected by the employing contractor or association of same shall at the time of his election be actively engaged in the branch of business he represents and an employer of journeymen.

7. From this body of general arbitrators not less than four (4), two (2) from the employers and two (2) from the employees' unions, shall constitute a special arbitration board. They shall meet within 24 hours when notified so to do by the general secretary or other officer, whose duty shall be to call said arbitration board together.

8. Those arbitrators from the unions, after having served on any special case, are guaranteed re-employment as soon as the said case is disposed of and the special board discharged.

9. The Building Trades Section of the city of Albany, N. Y., or any union affiliated therewith shall not order any strike against any contractor or employer, collectively or individually, nor shall any number of union men leave their work by reason of any grievance, nor shall any employer lock out his employees before the matter in dispute has been settled by the general arbitration board.

10. All complaints must be made in writing and filed with the secretary of the joint board of arbitration within 24 hours after cause, and steps shall be taken immediately to convene the arbitrators and the case disposed of without unnecessary delay.

11. The general arbitrators shall be given power by the interests they are acting for.

12. No general arbitrator can act when the case in dispute is occurring in the trade he represents.

13. Arbitration papers are to be drawn up stating specifically the charges or matter in dispute and that both sides agree to abide by the vote of the majority of the board or the decision of the umpire. The umpire shall be selected before the case is opened. That all expenses incurred by the arbitration board to be equally borne by both parties to this agreement.

14. No person shall be eligible for umpire who is directly or indirectly interested in the employment of members of the union or engaged in the building industry, as heretofore understood by this agreement, to be employers of laborers or mechanics working at the building trade in the city of Albany, N. Y.

15. Out.

16. The employing builders and contractors of the city of Albany agree to employ members of the trades unions affiliated with the Building Trades Section, directly or indirectly, when parties to this agreement; it is understood, however, that in any case where a trade union is unable to provide sufficient workmen, the employer or employers in that trade may hire workmen not members, who shall become members of the union if competent.

17. That after the date of the signing of this agreement no union or employer shall become a party to this agreement without the consent of the signers of this agreement, of the Association of Employers and the Building Trades Section of the city of Albany, N. Y.

18. That the wages and hours, as per agreement with the several unions, shall remain the same until May 1, 1905.

19. Any difficulty arising in the unskilled trades may be settled through the unions and representative of mechanics of that particular trade having representation in the general arbitration board.

20. (Explanation of article 16.) That the matter of supplying sufficient workmen shall be left to the arbitration board of the individual trade, to be governed by its trade condition, but that in case of continued failure on the part of the unions to supply sufficient workmen any member of the Employers' Association or building contractor may refer the matter to the general arbitration board for settlement.

21. It is also agreed and understood that the conditions of article 16 applies to unskilled as well as skilled workmen in the several trades employed on buildings directly or indirectly.

22. It is also understood and agreed that all existing agreements remain in full force as per article 18, except in so far as they may conflict with the *arbitration plan*.

23. That the agreement be in force immediately after the signing of same and remain in effect until May 1, 1905.

(A true copy, as adopted February 23, 1904, by the Building Trades Section and the Builders' Exchange.)

## (2) AUBURN PAINTERS

[Terminating dispute of May 2—7, described in Table I, p. 30.]

*Articles of Agreement Entered into By and Between the Master Painters of Auburn, N. Y., and the P. & D. & P. H. Union 113 of the Same Place.*

Article 1. That eight hours shall constitute a day's work.

Article 2. That 30 cents per hour shall be paid brush hands, 32½ cents per hour for allround workmen and 32½ per hour for paperhangers.

Article 3. That time and one-half shall be paid for all overtime work.

Article 4. That board and traveling expenses shall be paid men on all out-of-town work.

Article 5. That no boss painter shall furnish men for less than boss painters' schedule.

Article 6. That no member of Local 113 shall work for any one except boss painters for less than the boss painters' schedule.

Article 7. That the jurisdiction of this agreement shall extend three miles in all directions from the city hall of the city.

Article 8. That this agreement be good for one year, from May 1, 1904, to May 1, 1905, and if any changes in time or wages are to be made at least three months' notice be given to boss painters or by them to Local 113.

Article 9. That this agreement be signed by the secretary and president of both organizations, with the seal of both organizations appended.

JOHN J. GARDNER, *President Master Painters.*

H. A. HOMPE, *Secretary Master Painters.*

MAEVIN LYON, *President Painters' Union No. 113.*

T. H. PAVEY, *Secretary Painters' Union No. 113.*

(3) BUFFALO DRILLERS, BLASTERS, ETC.

[The members of this union struck November 10, 1903, and did not resume work until the spring of 1904 when the following agreement was signed. The season of 1903 closed November 19, which may therefore be regarded as the date of termination of the dispute. See Table I, page 32.]

*This Agreement Made and Entered into this 1st Day of April, 1904, between the Buffalo Dredging Company, Party of the First Part, and the Drillers, Blasters, Deckhands and Firemen's Association, Party of the Second Part:*

WITNESSETH: Under the following terms and conditions, party of the second part agrees to furnish party of the first part competent and experienced men for the various positions of drillers, blasters, deckhands and firemen.

FIRST. It is understood and agreed that all men employed under this agreement will, while on duty, be under the direction and control of the foreman in charge of the drillboat.

SECOND. Men employed under this agreement must give their foreman 24 hours' notice before quitting the boat on which they are employed, and if they should quit without giving such notice, one day's pay shall be deducted from their wages.

THIRD. It is distinctly understood and agreed that there will be no beer or other intoxicating liquors brought aboard the property of the party of the first part.

FOURTH. Eleven hours shall constitute a day's work for all except firemen, who shall work shift about.

FIFTH. No man is to be considered a driller unless he can show he has had one season's experience operating a drill.

Wages will be: Day foremen, \$110 a month; night foremen, \$100 a month; drillers, \$3 a day; blasters, \$3 a day; drill helpers or deckhands, \$2.20 a day; firemen on three-drill drillboats, \$2.25 a day; firemen on four-drill drillboats, \$2.50 a day.

Anything not herein specifically mentioned will be the same as heretofore.

If men start work and are delayed they are to get a day's pay. Foreman and blaster on each shift with three machinists or over.

P. B. MCNAUGHTON,

*Buffalo Dredging Company.*

A. HAMMOND,

JAMES COYNE,

FRANK HART,

H. BECKET,

*For Drillers.*

J. J. JOYCE,

*I. L., M. & T. A.*

## (4) BUFFALO TILE LAYERS.\*

[Proposed agreement, which precipitated the strike of April 4-July 30, against three firms who refused to sign. See Table I, page 32.]

*This Agreement, Made and Entered into this 4th Day of April, 1904, between the Undersigned Contractors, Parties of the First Part, and Local Union No. 5 of the Ceramic, Mosaic and Encaustic Tile Layers and Helpers' International Union of Buffalo, N. Y., Party of the Second Part, for and in Consideration of the Mutual Covenants and Agreements, Hereinafter Expressed, and the Sum of One Dollar (\$1) by Each of the Parties Paid to the Other, the Receipt Whereof is Hereby Acknowledged, Witnesseth as Follows:*

FIRST. On all work done by the party of the second part, all wall tile less than sixteen (16) pieces to the square foot shall be butted up.

SECOND. No one but skilled tile layers shall be allowed to lay tile, or perform skilled labor incident thereto, by the parties of the first part.

THIRD. The party of the second part agrees that its members shall not be allowed to set or lay tile for any tile contractor doing business within the territory covered by this contract, except such tile contractors and dealers as shall have signed and become parties to this agreement.

FOURTH. The parties of the first part hereby severally agree that all tile layers shall, on and after April 4, 1904, receive three and sixty one-hundredths dollars (\$3.60) per day.

FIFTH. Eight hours shall constitute a day's labor, unless a different number of hours shall be fixed by the United Trades and Labor Council of Buffalo.

SIXTH. The parties of the first part severally agree that all overtime shall be paid for to the party of the second part at one and one-half times the regular rate, and that all work performed on Sundays and holidays shall be paid for at double the regular rate. The holidays embraced within this contract shall be July 4th, Christmas and New Year's Day. The regular hours for work shall be from 8 A. M. until 4.30 P. M., with an intermission of one-half hour from 12 M. to 12.30 P. M.

SEVENTH. The party of the second part further agrees that in case of differences arising between its members and any or all the parties of the first part, any and all such differences shall be submitted to three persons, who shall act as arbitrators, one of such persons to be selected by the party of the second part, one by the party of the first part who shall be involved in such differences, or in case there be more than one of the first parties so involved, then such arbitrator to be selected by such of the parties of the first part as may be involved, and the third arbitrator to be chosen by such town. Upon any matter of difference submitted to such arbitrators the decision of a majority shall be final, and each of the parties hereto hereby severally agree to be bound by and to abide such decision. No questions concerning the construction to be placed upon any provision of this agreement shall be subject to arbitration under the terms of this agreement.

EIGHTH. It is mutually understood and agreed that sympathetic strikes ordered by other trades unions or by the central body of the United Trades and Labor Council participated in by the party of the second part, for the protection of union principles, shall in no way be considered a violation of the provisions of this agreement.

\* The substance of the agreement terminating the electrical workers' dispute has been given in the account of the dispute in chapter III.

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NINTH. The parties of the first part severally agree that they will not require or permit piecework of any kind, it being the understanding that the party of the second part shall not permit its members to perform piecework.

TENTH. The parties of the first part severally agree that they will pay members of the party of the second part their wages weekly in cash enclosed in a sealed envelope, with the amount supposed to be contained therein marked in plain figures on the outside thereof.

ELEVENTH. The parties of the first part severally agree that they will not require the members of the party of the second part to lay any tile not bearing the name of the maker, either stamped on the tile or the original shipping package.

TWELFTH. Any member working during any portion between 8 A. M. and 12 M. or between the hours of 12.30 P. M. and 4.30 P. M. shall be entitled to one-half day's pay at regular wages.

THIRTEENTH. This agreement shall take effect on the 4th day of April, 1904, at 8 A. M., and continue in force until the 4th day of April, 1905, at 8 A. M., and shall include within its operation the territory covered by the city of Buffalo and vicinity, as the same is known and recognized by the United Trades and Labor Council.

FOURTEENTH. The parties of the first part severally covenant and agree that they will not employ any tile layer on any work done by them during the period covered by this contract who is not a member in good standing of the party of the second part, and the party of the second part will not work with a non-union tile layer, helper or mechanic failing to produce a building trade card.

SIXTEENTH. Parties of the second part shall receive one-half time for traveling outside of the city line before 8 A. M. or after 4.30 P. M.

In witness whereof, the parties of the first part hereunto set their hands and seals, and the party of the second part has caused this agreement to be signed by its president and secretary, and its seal to be hereunto affixed, the day and year above written.

(Signatures.)

All contracts taken before the 4th day of April, 1904, to be finished at the old scale of wages.

(5) CANANDAIGUA CARPENTERS.

[Terminating dispute of May 10-18, described in Table I, page 32.]

*Articles of Agreement Made and Entered into this 1st Day of May, 1904, By and Between [H. Hogan], Contractor, of the Village of Canandaigua, County of Ontario and State of New York, Party of the First Part, and Local 502, U. B. of C. and J. of A., by C. W. Tremain, President, and William Allison, Secretary, Authorized by said Local 502, U. B. of C. and J. of A., to Enter into this Agreement, of the Same Place, Party of the Second Part:*

WHEREAS, At a regular meeting of Local 502, U. B. of C. and J. of A., held March 22, 1904, a resolution was adopted containing articles of agreement substantially hereinafter set forth as far as they are applicable hereto, by which resolution it was provided that said articles of agreement be presented to the contractors of Canandaigua, N. Y.

Now, THEREFORE, In consideration of \$1 paid by the party of the first part to the party of the second part, the receipt of which is hereby duly acknowledged, and of the covenants and agreements hereinafter set forth, it is hereby mutually covenanted and agreed by and between the said parties as follows, viz:

Article 1. That the party of the first part shall employ none but union men, providing said union can furnish the same. This includes masons and helpers, teamsters, cartmen, plumbers, tanners, laborers and carpenters.

Article 2. That on and after May 1, 1904, nine (9) hours shall constitute a day's labor, and that the hours for work shall be from 7 o'clock A. M. to 12 o'clock M., and from 1 o'clock to 5 o'clock P. M. That laborers who are five minutes late shall be docked one-half hour; and over ten minutes one hour.

Article 3. That the minimum scale of wages shall be twenty-seven and one-half cents (27½) per hour.

Article 4. That time and one-half shall be paid for all overtime and double shall be paid for Sundays, Decoration Day, Fourth of July and Christmas Day, and that no labor shall be performed on Labor Day.

Article 5. That wages shall be paid in full once each week.

Article 6. That one apprentice shall be allowed to each contractor, and one additional apprentice shall be allowed for each eight men regularly employed. All apprentices shall have a fair chance to learn the trade and become competent workmen. All apprentices now members of Local 502, U. B. of C. and J. of A., shall serve three years from the date of their initiation.

Article 7. That no member of Local 502, U. B. of C. and J. of A., shall work for any one who is not a contractor for less than the minimum rate charged by the contractor to the customer, and the contractors, the party of the first part, shall furnish any evidence of any violation of this article.

Article 8. That all contracts taken on or before January 1, 1904, shall be finished at the old scale, providing said contractor shall employ all available men up to May 1, 1904.

Article 9. That this agreement shall bind the parties hereto and be in full force from May 1, 1904, to May 1, 1905, and that no change shall be made in the same during that time unless three months' notice shall be given. A permanent committee of three shall be appointed from Local 502, U. B. of C. and J. of A., to whom all violations of this agreement shall be referred, which said committee shall have full power to settle the same and whose decision shall be binding on both parties hereto.

Article 10. That the business agent shall have power to examine all cards once a week if necessary, without loss of time to contractor, party of the first part.

Article 11. The men are to notify the party of the first part, the contractor, at least five hours before laying off, for any reason save sickness or other unavoidable cause, and that a failure to do so shall subject such member to a fine of 50 cents, payable to Local 502, U. B. of C. and J. of A., upon request of party of the first part.

Article 12. And said party of the first part hereby stipulates and agrees that he, the said first party, shall not include in any contract with his patrons or customers any agreement or stipulation to paint, varnish or oil any wood, iron or other structure which may be or become under their or his supervision,



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or upon which he or they are to employ or have employed or are employing men.

In witness whereof we have hereunto set our hands and seals the day and year first above written.

R. HOGAN, [L. S.]

*Contractor.*

W. C. TREMAIN, [L. S.]

*Pres. Local 502, C. and J.*

WM. ALLISON, [L. S.]

(6) COHOES PAINTERS.

*Copy of Agreement of the Boss Painters of Cohoes, N. Y., with Local Union No. 71, Painters, Decorators and Paperhangers, of Cohoes, N. Y.*

I, the undersigned, boss painter of Cohoes, N. Y., do hereby agree to the following with the Painters' Local No. 71, affiliated with the American Federation of Labor, National Building Trades' Council and Central Federation of Labor of Cohoes:

Section 1. I agree to employ none but union painters, decorators and paperhangers, affiliated with the American Federation of Labor, National Building Trades' Council and Central Federation of Labor, and to pay thirty-one and one-quarter (31¼) cents per hour; that eight (8) hours shall constitute a day's work; to pay time and one-half for all overtime; double time to be paid for Sundays and holidays, such as Thanksgiving, Christmas, New Year's, Fourth of July, Decoration Day and Labor Day, except as provided in section 2.

§ 2. When men are employed in Albany or Troy they shall receive the same union scale that is paid in those cities.

§ 3. When work is located so far away that workmen have to take cars or ferry, the fare shall be paid both ways by the employer, and if a workman can not get back home after his day's work is done, the employer shall pay his board and lodging, which shall not be charged against the workman.

§ 4. When non-union men are employed in any shop or on any job, employees shall have the right, after investigating the matter, to quit work until the same has been adjusted, before returning to work, without violating this agreement.

§ 5. There shall be but one apprentice in each shop.

§ 6. That the employees begin work at 8 A. M. and quit at 12 M. Begin at 1 P. M. and quit at 5 P. M.

§ 7. The above agreement to go into effect April 1, 1904, and enduring till April 1, 1905.

(7) ISLIP CARPENTERS.

[Terminating dispute of April 1-6, described in Table I, p. 32.]

*Agreement between the Carpenter Builders of the Town of Islip and Local Unions 357 and 412 United Brotherhood of Carpenters and Joiners of America, of the Town of Islip, severally and jointly agree to the following working rules to govern Employees and Workmen in that Trade for the Term ending May 1, 1906.*

1. HOURS OF LABOR.—From May 1, 1904, to May 1, 1906, not more than nine hours labor shall be required in the limits of the day.

2. **WORKING HOURS.**—The working hours to be nine hours per day, beginning at 7 A. M. with the understanding that each employer and his employees shall be free to decide as to the hours of beginning and quitting work, always with the understanding that not more than nine hours shall be required.

3. **WAGES.**—From this date of agreement the minimum rate of wages to be \$3.00 per day.

4. **PAY DAY.**—Wages are to be paid bi-weekly, at or before 5 P. M. of the established pay day of each employer.

5. Realizing that some men, by reason of age or infirmity, can not compete with their younger fellows, they, by vote of the union, shall be allowed to accept a less wage.

6. That no member of the Journeymen's Union shall, unless employed by a regular contractor, do any jobbing or day work at a less wage than 50 cents more than is paid to him by contractors, under penalty of a \$10 fine.

Signed on behalf of

Signed on behalf of Local Unions 357  
and 412 of the United Brotherhood  
of Carpenters and Joiners of  
America.

ISLIP, L. I., April 6, 1904.

#### (8) ITHACA BUILDING TRADES.

On the 6th of August, 1903, the Master Builders' Association and the Building Trades Council of Ithaca entered into an agreement for the regulation of conditions of employment in the building industry and the settlement of controversies by arbitration (Report of Board of Mediation and Arbitration, 1903, pages 205-7). In a supplementary agreement the workmen's unions agreed to suspend until July 1, 1904, the rule forbidding members to work with non-unionists, in consideration of the promise of the employers to employ none but union men. The unionization of the building trades in Ithaca having been effected, a committee of the Building Trades Council on June 9 notified the Masters' Association that the unions had repealed their rule. The supplementary agreement is thereby made a part of the agreement which will govern the building trades until May 1, 1909.

Under this agreement the demand of the carpenter mill-men for the eight-hour day enjoyed by the outside carpenters was submitted to arbitration. The decision of the arbitration committee, rendered April 25th, was adverse to the petition.

#### (9) MIDDLETOWN BUILDING LABORERS.

*Form of Agreement Adopted by the Hod Carriers' Union, of Middletown, N. Y., No. 42, Hod Carriers and Building Laborers' International Union.*

Section 1. That eight hours shall constitute a day's work, and that all time exceeding one hour beyond the regular time for working hours time and half time be allowed, and that double time be allowed for holidays and Sundays; that the rate for regular time be twenty-five (25) cents per hour.

§ 2. That the preparation and delivery of all material to the bricklayers be included in the trade rights of Union No. 42, and all laborers employed on all buildings shall be members thereof.

§ 3. That Hod Carriers' Union No. 42, be allowed the right of their business agent to visit jobs during working hours and attend to business of the union without expense or inconvenience to the employer.

§ 4. That no member of No. 42, working for any employer included in this agreement, shall leave any job before giving due notice to the employer or his representative and all material to be ready at the proper hour for to start work.

§ 5. That holidays claimed by Bricklayers and Masons' Union, No. 68, govern hod carriers likewise.

§ 6. That all labor troubles arising in the future between employer and Union No. 42 shall be settled by arbitration and all work to proceed without stopping, pending adjustment.

§ 7. If however hod carriers can not be found the employer shall be given the right to employ men to carry on his work, providing the employer or his representative do not in any way discriminate against them joining the Union.

§ 8. That the above working rules go into effect on the first Monday in May, 1904, and continue in force until changed; provided, that it shall require a notice of three months by either party to make such proposed change.

(Signed)

.....  
.....  
*Employers.*

.....  
.....  
*Hod Carriers' Union No. 42, Middletown, N. Y.*

(10) NEW YORK CITY BRICKLAYERS AND HELPERS.

[The regular annual agreement between the mason builders and the bricklayers of New York City was concluded without stoppage of work, but the special agreement relating to helpers was signed at the termination of a month's dispute, described in the preceding chapter, pages 71-75.]

*The Mason Builders' Association, of which Mason Builders' Local No. 1 is herein declared and understood to be a constituent part, hereby enters into the following agreement with the Bricklayers' Unions Nos. 4, 7, 11, 33, 34, 35, 37, 47 and 72 of New York City, Boroughs of Manhattan and Bronx, members of the Bricklayers and Masons' International Union:*

*First.* That the bricklayers and their helpers will not affiliate in any way with any other labor organization and especially will not affiliate with building material drivers and handlers, and will not go out on any sympathetic strike whatsoever. The bricklayers agree that their helpers, collectively or individually, will not leave the works of a member of the Mason Builders' Association. All disputes arising must be brought before the Joint Arbitration Board of the Mason Builders' Association and the said Bricklayers' Unions for settlement. The bricklayers agree for their helpers that the conditions which existed in each shop of the members of the Mason Builders' Association on August 1, 1903, will be continued until June 3, 1904.

*Second.* On these stipulations, the Mason Builders' Association agrees that on and after said June 3, 1904, its members shall employ such helpers only as are recognized by the said Bricklayers' Unions, it being understood and agreed that helpers necessary to start bricklayers at 8 A. M. will begin work at 7.45 or later at the option of the foreman; Saturday afternoon and all other time before 8 A. M. and after 5 P. M. shall be paid for at the rate of time and a half; double time for work on Sundays. And the Mason Builders'

Association agrees that its members shall pay 35 cents per hour as a helper's wage, on and after said June 3, 1904.

And the bricklayers herewith guarantee that 35 cents per hour and time and a half for overtime, including Saturday afternoon, and double time for work on Sundays, shall be the minimum rate of wage for their helpers throughout Manhattan and Bronx on and after said June 3, 1904.

The term of this agreement to be the same as that of the annual agreement between the Mason Builders' Association and the Bricklayers' Unions of the City of New York for 1904-5.

*The Mason Builders' Association, of which Mason Builders' Local No. 1 is herein declared and understood to be a constituent part, hereby enters into the following Agreement with the Bricklayers' Unions Nos. 1, 3, 4, 7, 9, 11, 29, 32, 33, 34, 35, 37, 40, 41, 47, 53 and 72, of New York City and Long Island, members of the Bricklayers and Masons' International Union:*

I. That the wages of the bricklayers from May 1, 1904, to March 2, 1905, be sixty-five cents per hour, and from March 2, 1905, to January 1, 1906, be seventy cents per hour; the hours of labor to be from 8 A. M. to 5 P. M., exclusive of the noon hour, except on Saturdays, when the hours of labor shall be from 8 A. M. to 12 M. This agreement shall expire on January 1, 1906.

II. That the unions, as a whole or single union, shall not order any strike against the members of the Mason Builders' Association, collectively or individually; nor shall any number of union men leave the works of a member of the Mason Builders' Association; nor shall any member of the said association lock out his employees until the matter in dispute is brought before the joint arbitration committee and settled.

III. That no members of the unions shall be discharged for inquiring after the cards of the men working upon any job of a member of the Mason Builders' Association, nor will the business agent be interfered with when visiting any operation where bricklayers are employed.

IV. Except when to leave the work would endanger life or property, no work shall be done between the hours of 7 and 8 A. M. and 5 and 6 P. M., nor on Saturday from 12 M. to 6 P. M.

All overtime shall be paid at double rate. Overtime means all time between 1 P. M. on Saturday and 8 A. M. on Monday; also all time between 5 P. M. and 8 A. M. on other days, and the secular days on which the following legal holidays are generally observed: New Year's Day, Washington's Birthday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

V. Members of the Mason Builders' Association must include in their contract for a building all cutting of masonry, interior brickwork, the paving of brick floors, the brickwork of the damp-proofing system and all fire-proofing—floor arches, slabs, partitions, furring and roof blocks—and they shall not lump or sublet the installation, if the labor in connection therewith is bricklayer's work as recognized by the trade, the men employed upon the construction of the walls to be given the preference.

Each bricklayer shall provide himself with a kit of tools, consisting of a trowel, brick-hammer, hand-hammer, level, plumb rule, bob and line and chisel, for which a suitable tool-house shall be provided for the exclusive use

of bricklayers; and in addition a suitable tool-box shall be provided above the sixth floor in buildings of ten stories or more.

VI. That all cutting of masonry be done by those best fitted for the work, and that the members of the Mason Builders' Association make the selection; but cutting of all brickwork, fire-proofing, terra cotta, concrete arches and partitions, as well as the washing down and pointing up of front brickwork and terra cotta, shall be done by bricklayers.

Bricklayers must be covered when work is in progress directly above them.

VII. That the bricklayers be paid every week before 12 M. Saturday; pay time to close the Thursday before payday. In the event that the men are paid on Friday, they shall be paid before 5 P. M.

VIII. When bricklayers are laid off for any cause, they shall, upon their request for payment of wages, be paid in cash or office order. An office order entitles a bricklayer to one-half hour's pay in addition to the amount due for work performed, and must be honored within one hour of the time of lay-off. When bricklayers are to be discharged, they must be notified during working hours, and must be paid at the job immediately. A violation of this rule entitles a bricklayer to compensation at working rates for the working time that elapses between the time of discharge and the time of receiving his money, provided the claimant remains at the job or office during all working hours until he is paid. When Saturday afternoon occurs in the elapsed time above mentioned, it shall be paid for at double rates up to 5 P. M. If a bricklayer is discharged at 8 A. M., he shall receive one hour in addition to the working time due. This does not apply to a lay-off.

IX. That any member of the Unions of the City of New York, upon showing his card for membership, be permitted to go upon any job when seeking employment, unless notified by a sign, "No Bricklayers Wanted;" and that employment be given to members of the Unions of the City of New York. The shop steward or business agent shall determine who union bricklayers are. It shall not be the duty of the foreman to ask any man to what union he belongs. If the shop steward be discharged for inspecting the cards of the bricklayers on a job, or for calling the attention of the foreman to any violation of the agreement, he shall be at once reinstated until the matter is brought before the joint arbitration committee for settlement. The foreman must be a practical bricklayer.

X. (No members of the Bricklayers' Unions shall work for anyone not complying with all rules and regulations herein agreed to.) No laborer shall be allowed upon any wall or pier to temper or spread mortar, which shall be delivered in bulk; said mortar to be spread with a trowel by the bricklayers, who shall work by the hour only.

XI. If a building shall be abandoned for any cause on which the wages of union bricklayers are unpaid, no member of the Mason Builders' Association shall contract to complete the same until this debt is paid by the original or subsequent owner, or provided for in the contract. If a member of the Mason Builders' Association is prevented from carrying out his contract on a building, through insolvency of the owner, or any other cause, no union bricklayer shall work on said building until the Mason Builders' contract has been equitably adjusted. Notice in writing, stating amounts in dispute, must be filed with the Secretary of the Mason Builders' Association within four weeks of the stoppage of work, giving full particulars, the Secretary to give proper notice to the unions and their representatives at the beginning and ending of the question in dispute.

XII. That the Joint Arbitration Committee meet on the fourth Thursday in every month, or at the call of the Chair on either side; and that the fourth Thursday in September, 1905, be a special meeting for the consideration of the yearly agreement, which must be signed on or before January 1, 1906, on which date it shall take effect.

Any matter of mutual interest may be considered by this committee.

XIII. Notwithstanding anything apparently to the contrary in this agreement, it shall be distinctly understood that any decisions of the General Arbitration Board of the Building Trades Employers' Association and the unions, parties to the arbitration plan, shall govern in the matter of jurisdiction of trade.

It is mutually agreed by the parties hereto that the arbitration plan adopted at a conference held July 3, 1903, between the Board of Governors of the Building Trades Employers' Association and the representatives of the labor unions, with explanatory clauses as adopted by the joint conferences on July 9, 1903, is hereby made a part of this agreement and binding on all parties thereto.

FOR MASON BUILDERS' ASSOCIATION:

F. M. WEEKS, *Chairman*.

P. J. CARLIN.

WILLIAM CRAWFORD.

JACOB ZIMMERMANN.

THOMAS B. LEAHY.

E. REMINGTON.

GEORGE J. WILLS.

ELY GREENBLATT.

CHAS. A. COWEN.

F. J. KELLY, JR.

F. C. POUCHER.

WILLIAM KENNEDY.

PATRICK GALLAGHER.

C. CURTIS WOODRUFF.

F. J. ASHFIELD.

ARTHUR G. STONE.

FOR BRICKLAYERS' UNIONS:

No. 34, JAMES MCHALE, *Chairman*.

" 1, JAMES B. MCNAMEE.

" 3, RICHARD B. MOORE.

" 4, THOMAS A. PLATT.

" 7, JOSEPH DOODY.

" 9, D. GUNDACKER.

" 11, WILLIAM KLEIN.

" 20, ALEXANDER MCCABE.

" 32, WILLIAM R. VERGE.

" 33, LUKE A. BURKE.

" 35, WILLIAM GEIS.

" 37, HARRY O'GRADY.

" 40, J. P. MENDELL.

" 41, J. W. BAILEY.

" 47, FRANK LAWLER.

" 72, DANIEL E. SULLIVAN.

## (11) NEW YORK CITY ELEVATOR CONSTRUCTORS.

[Agreement terminating dispute of April 1-9, described in Table I, p.22, and chap. III, p. 77.]

*This Agreement, made the..... day of April, 1904, between.....  
.....of the City of New York, State of New York, party  
of the first part, and The Elevator Constructors' and Millwrights'  
Union No. 1, of New York and Vicinity, a voluntary association of more  
than seven persons, acting through its president, Edward Oliver, and his  
successors in office, party of the second part:*

WITNESSETH, That in consideration of the mutual promises hereinafter contained, the parties hereto hereby covenant and agree as follows:

The party of the first part agrees that on and after the 25th day of April, 1904, all workmen in the employ of the said party of the first part, outside, either on repairs, wrecking or new work, in the Borough of Manhattan, City of New York, and within a radius of 25 miles thereof, shall be members of the Elevator Constructors and Millwrights' Union No. 1, of New York, and shall work according to the following working rules, which rules are included in and form a part of this agreement.

FIRST. That on and after the said 25th day of April, 1904, the working day shall consist of eight hours, except on Saturday, when it shall consist of four hours. Each days' work of eight hours is to be performed between the hours of 8 o'clock in the forenoon and 5 o'clock in the afternoon, and on Saturday between the hours of 8 o'clock in the forenoon and 12 o'clock noon. The said working days shall be known as regular time of 44 hours per week. All work performed between the hours of 5 o'clock in the afternoon and 8 o'clock in the forenoon, on any Sunday, on any legal holiday, or after 12 o'clock on any Saturday shall be known as overtime, and shall be paid for at double rate of regular time. All overtime to commence not later than 9 o'clock P. M.

SECOND. The regular time shall be paid for at the rate of fifty-six and one-quarter ( $56\frac{1}{4}$ ) cents per hour, or four and one-half (\$4.50) dollars per day for mechanics, and thirty-seven and one-half ( $37\frac{1}{2}$ ) cents per hour, or three (\$3) dollars per day for helpers.

THIRD. That eight hours shall be carried on tally, and time sheets, and the men are to be paid for any fraction of a day at the rate of eight hours per day.

FOURTH. That the workmen shall be paid on the job, or at the office, on the time of the party of the first part.

FIFTH. That the number of helpers on any job shall not exceed the number of mechanics.

SIXTH. That the party of the first part shall supply all necessary tools to be used on iron work.

SEVENTH. That all workmen working outside the Boroughs of Manhattan, Brooklyn and the Bronx, or the cities of Hoboken and Jersey City shall leave on the train or boat nearest to 8 o'clock A. M. Time and expenses to be paid by the party of the first part.

EIGHTH. That the party of the first part shall have the privilege of employing apprentices, provided, however, that the number of such apprentices shall not exceed one to every ten mechanics in the employ of the party of the first part. No apprentice so employed shall be over the age of eighteen years at the commencement of his employment. Each apprentice so em-

ployed shall be given a guarantee of one year's employment. The wages of each apprentice shall be one dollar and fifty cents (\$1.50) per day. The initiation fee for an apprentice shall be twenty dollars (\$20). This amount shall be paid to the union when he takes out his apprentice card. After one year's employment each apprentice shall take out a helper's card. Each apprentice shall, at the time of taking out a helper's card, pay into the union a sum equivalent to the difference between the initiation fee of an apprentice and initiation fee of a helper, the amount thereof to be determined by the initiation fees in force at the time of his taking out his apprentice card.

NINTH. That the party of the first part further agrees that the party of the second part may appoint a steward upon all jobs where more than ten men are employed by the party of the first part. Such steward shall have authority to ascertain by examination or otherwise, that all men employed by the party of the first part on any of the work hereinafter in this agreement set forth to be performed by the party of the second part, are members of the party of the second part, and shall have authority to examine the cards of the members when necessary. Such steward shall perform his duties in his own time, and must in no way permit his duties as steward to interfere with his duties to the party of the first part as an employee.

The party of the first part further agrees that the following work shall be performed only by the Elevator Constructors and Millwrights' Union No. 1. All millwright work complete. All elevator work used in any manner for the complete and safe operation of the elevator; the assembling of all elevator machinery, to wit: all hydraulic parts, steam, electric, belts, compressed air or hand power; also assembling and building escalators, the assembling of all cars complete, putting up of all guides, either of wood or iron, the setting of all tanks, whether pressure, open or pit tanks, the setting of all pumps; where pumps arrive on any job in parts are to be assembled by members of the said union; all electric work connected with cars, machinery and hoistways, and wire from switch in motor room to control in accordance with agreement between Electrical Workers' No. 3 and Elevator Constructors and Millwrights' Union No. 1, dated July 28, 1902; all overhead work either of wood or iron and necessary blocking under same; the setting of all templets, all automatic gates, all indicators except electrical, all foundations, either of wood or iron or concrete that would take the place of masonry; the digging and sinking of all holes and setting of all cylinders and pistons for plunger elevators; the lowering and handling of all material used in the construction of elevators and escalators; the care of all pumps and running of all temporary cars in buildings in course of erection.

It is agreed that in case the setting of pit tanks, automatic gates or concrete foundations are not included in the elevator contract, the work shall not be claimed by the elevator constructors and in the event of controversy with any other trade as to the proper jurisdiction of these three items, the same shall be referred to General Arbitration Board of the Building Trades Employers' Association for final settlement by arbitration.

The party of the second part agrees to work for the party of the first part under and pursuant to the working rules hereinbefore set forth and forming part of this agreement.

It is mutually agreed by the parties hereto that the arbitration plan adopted at a conference held July 3, 1903, between the Board of Governors



of the Building Trades Employers' Association and the representatives of the labor unions, with explanatory clauses as adopted by the above joint conferences on July 9, 1903 (a copy of which is hereto attached), is hereby made a part of this agreement and binding on all parties hereto.

And it is hereby mutually agreed, that no change in wages, nor in the number of hours constituting a day's labor, shall be asked for by either party unless such change is to take place on the 1st day of January, 1906; but the party asking for such change shall first give notice to the other party, in writing, on or before the first day of July preceding the said first day of January.

No discrimination shall be made against any member of the said union. All communications intended to be forwarded to the said union by the party of the first part shall be sent by the manager, superintendent or other executive of the said party of the first part.

This agreement shall continue in full force and effect from the 25th day of April, 1904, until the 1st day of January, 1906, both dates inclusive.

(12) NEW YORK CITY METALLIC LATHERS.

[Agreement entered into August 22, between the Employing Metal Furring and Lathing Association and the Metallic Lathers' Union of New York City and Vicinity, terminating in that trade the dispute begun August 8 (see Table I, p. 34 and Chap. III, p. 77). The contract provides for an increase of 50 cents in the daily wage-rate on May 1, 1905.]

ARTICLE 1.

Section 1. That the party of the first part agrees that on and after August 22, 1904, eight hours shall constitute a day's work. That double time shall be paid for overtime, also Sundays and the following holidays: January 1st, February 12th and 22d, Decoration Day, July 4th, Labor Day, Election Day, Thanksgiving Day, Christmas Day and Saturday afternoons. That work shall commence at 8 o'clock A. M. and end at 5 o'clock P. M., with one hour for noon. Noon hour may be curtailed by agreement with the firm and the majority of the men on the job.

§ 2. The party of the first part agrees to pay a minimum scale of 50 cents per hour for all work done by members of the party of the second part in this city and within a radius of 25 miles of the New York city hall, from August 22, 1904, to May 1, 1905, and thereafter 56¼ cents per hour until the expiration of this agreement; and further agrees to pay all foremen 50 cents per day more than the minimum rate. The said foremen must be members of the party of the second part.

§ 3. The party of the first part agrees to allow the business agent of the party of the second part to visit all jobs at all times, and also to allow a steward on each job who shall attend to the business of the party of the second part without expense or inconvenience to the party of the first part.

§ 4. The party of the first part further agrees to pay members of the party of the second part before 12 o'clock noon on Saturday of each week, and further agrees to pay members of the party of the second part at the time of lay off or discharge. If men are not paid as specified above, single time is to continue until paid.

§ 5. The party of the first part further agrees to pay traveling expenses of the members of the party of the second part when fare is more than 10 cents per day from the borough in which the shop of the party of the first part is situated.

§ 6. The party of the first part agrees to employ none but members of the party of the second part in New York city and within a radius of 25 miles from New York city hall, or men acceptable to the party of the second part, on all light iron construction, furring, bracket work, wire and metal lath, corner beads, wire and metal arches or plaster board partition nailed on or set in studs where mortar is not used for the purpose of holding or reinforcing plaster, cement, concrete or other plastic material, and all work pertaining thereto. All metal foundation for the purpose of holding or reinforcing plaster, cement, concrete or other plastic material.

#### ARTICLE 2.

Section 1. The party of the second part agrees to perform in a faithful and workmanlike manner all duties required of them by the party of the first part.

§ 2. It is mutually agreed that there shall be one apprentice for each shop, and each shop shall be entitled to one additional apprentice for each 10 journeymen employed; the wages per day to be \$1.50 for the first year, \$2 for the second year and \$2.50 for the third year. The said apprentices to be bound by the same contract as now exists in the Metallic Lathers' Union for a term of three years.

§ 3. The party of the second part agrees that any proposed change in the wage scale of this district shall be submitted to the party of the first part at least six months prior to its going into effect.

§ 4. In case of misunderstanding between the parties to this agreement, there shall be two persons chosen by the party of the first part and two persons chosen by the party of the second part to arbitrate the matter in dispute. In case no decision is reached a fifth person shall be chosen by the four to act as umpire, and his decision shall be final and binding on both parties. Said decision to be rendered within six working days. Work to proceed during arbitration; but no article in this agreement shall be subject to arbitration.

§ 5. The Joint Arbitration Plan and its amendments adopted by the conference of July 3 to 9, 1903, by the unions of New York City and the Building Trades Employers' Association shall be a part of this agreement, and both parties shall be governed by its provisions. This agreement shall be binding on both parties from August 22, 1904, to January 1, 1906, and shall apply to all work and labor furnished within a radius of 25 miles from New York city hall.

#### (13) TROY CARPENTERS (*Amalgamated*).

*An Agreement, entered into by the Contracting Carpenters' Association of Troy, N. Y., of the first part, and The Amalgamated Society of Carpenters and Joiners of Troy, N. Y., of the second part.*

Article 1. Eight hours shall constitute a day's work, from 8 A. M. until 12 M. and from 1 P. M. until 5 P. M., excepting Saturday, when all work shall terminate at 4 P. M.

Article 2. The minimum rate of wages shall be 34 cents per hour, 47 hours per week, to be paid on or before 4 P. M. Saturdays.

Article 3. All carpenters to be union men.

Article 4. The party of the second part hereby agrees to not work for any parties other than the party of the first part for a less sum than 45 cents

for regular working hours, and time and one-half for overtime, and double time for holidays and Sundays.

Article 5. Time and one-half shall be paid from 5 P. M. until 12 P. M., and double time from 12 P. M. until 6 A. M., except Saturdays, when it shall be double time from 4 P. M. Saturday until 8 A. M. Monday; also double time for the following holidays: New Years, Decoration Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

Article 6. All differences to be settled by arbitration by a committee of three from each party to this agreement, in case the above committee is unable to agree they shall select a citizen of Troy, N. Y., as arbitrator, whose decision shall be final and in no case shall work cease pending the decision.

These agreements shall go into effect May 1, 1904, and remain in force until April 30, 1907.

Contracting Carpenters' Committee—

{ CHARLES DUNCAN,  
WILLIAM CAMPBELL,  
WILLIAM HAYNES,  
JOHN H. LEE,  
JAMES MCCABE.

Branch of the Amalgamated Society of Carpenters  
and Joiners of Troy, N. Y., Committee—

{ JOHN F. FLINN,  
ISRAEL LASHER,  
G. H. RUSSELL,  
FRED HARWOOD,  
ALFRED DAVIS.

### TRANSPORTATION.

#### (14) DELAWARE AND HUDSON RAILWAY EMPLOYEES.

[On the first of August, 1904, the Delaware and Hudson Railroad Company put into force new rules and schedules of wages, which the company's officials had adopted by agreement with representatives of the workmen's unions.]

##### (14a) Conductors and Trainmen.

*The following Are the Established Rates of Wages of Conductors and Trainmen and the Time and Mileage upon which the Wages Are Computed, to Take Effect August 1, 1904:*

1. One hundred (100) miles or less or eleven (11) hours or less will constitute a day's work. Overtime after one hundred (100) miles run or eleven (11) hours' service will be allowed at the rate of one-tenth (1-10) of a day or ten (10) miles per hour. When the mileage allowance exceeds the hourly allowance, mileage will be paid, and *vice versa*. Time of service of road crews will begin one (1) hour before time marked to leave.

NOTE.—This rule does not apply to passenger service.

#### PASSENGER TRAIN SERVICE.

	Per month.
Conductors—Montreal runs (as at present).....	\$105
Conductors—Through trains, main line divisions (as at present).....	100
Conductors—Branch lines and local trains (as at present).....	95
Conductors—Excursion crews and extra service, all divisions (as at present).....	95
Baggagemen.....	60
Trainmen.....	55

Conductors and trainmen running to Montreal will be subject to special arrangements.

Conductors and trainmen on passenger runs who are required to make extra trips will be allowed one-half day for seventy-five (75) miles or less; over seventy-five (75) miles and not to exceed one hundred and fifty (150) miles, one day will be allowed.

#### FREIGHT TRAIN SERVICE.

	Per mile.
Conductors, local freight.....	3.25 cents
Conductors, all other freight.....	3.00 "
Trainmen, local freight.....	2.25 "
Trainmen, all other freight.....	2.10 "

#### YARD SERVICE.

	Day service, per month.	Night service per month.
Conductors .....	\$70 00	\$72 50
Trainmen .....	60 00	62 50

The term "trainmen," as used herein, applies to flagmen, baggagemen and brakemen.

2. Where men are employed by the month the working days shall constitute a month, and extra pay at the same rate shall be allowed for Sunday work when required; overtime shall be computed on this basis.

3. Men who are called and report for duty for trains subsequently annulled will be allowed one-fourth ( $\frac{1}{4}$ ) day; if held five and one-half ( $5\frac{1}{2}$ ) hours, one-half ( $\frac{1}{2}$ ) day's pay will be allowed, and stand first out; if held longer than five and one-half ( $5\frac{1}{2}$ ) hours, one day's pay will be allowed, and the crew will stand behind other crews at that point.

4. Fifteen (15) minutes' overtime will be considered as half an hour; forty-five (45) minutes will be considered as one hour.

5. Men attending court or coroner's inquest as witnesses, or engaged in any other work assigned to them by the company, will receive pay for one hundred (100) miles per day while so engaged, except in case of those employed on regularly scheduled trains, who will receive the mileage and pay which they would have received in ordinary service, together with necessary expenses.

6. Men deadheading on passenger trains, under orders, will be allowed one-half ( $\frac{1}{2}$ ) pay, and on freight trains full pay for the service, on account of which they deadhead, except when deadheading for service of five days or over.

7. Men on switch engines will be allowed one hour for meal between the fifth and seventh hours from time of starting work. If required to work fifteen (15) minutes of the meal hour, one (1) hour's overtime will be allowed, and thirty (30) minutes will be allowed for meal, as soon as possible.

8. Road crews doubling hills will be allowed actual mileage at the rate per mile paid on the train doubling.

9. Conductors and trainmen shall receive the regular compensation for run or position to which they are permanently or temporarily assigned.

10. When the service, as reported on a time slip, is not allowed, the slip will be returned with the reason for not allowing it.

11. A roster of conductors and trainmen on each division will be bulletined and will be renewed as often as necessary; no name shall appear on more than one roster.

12. Conductors and trainmen will be promoted in accordance with seniority, providing they possess the requisite qualifications; if they fail to pass the first examination they will be given a second, and if they fail on the second examination they will be given a third, provided the three examinations are taken within nine months. Trainmen so qualifying will retain all roster rights. The line of promotion will be from trainman to freight conductor and from freight conductor to passenger conductor.

13. Vacant positions will be advertised within ten (10) days after becoming vacant, if possible, and be advertised for a period of ten (10) days on the division on which they occur, and appointments will be made within ten (10) days, if possible, in the order of seniority, provided the oldest applicant in the line of service possesses the requisite qualifications.

14. Men declining a position or failing to make application therefor, providing such a position is not a promotion, shall retain their rights on the roster. Men who are employed as regular passenger conductors on the Susquehanna and Pennsylvania divisions shall have preference for passenger runs over men who are older on the roster, but not in passenger service.

15. When more than one vacancy occurs, conductors or trainmen shall have the right to bid on all such vacancies, stating preference.

16. A suitable number of the oldest freight conductors and trainmen will be designated to do the extra passenger work. Men who refuse this extra work forfeit their rights to passenger service to men younger in the service who do accept.

17. When a regular train is abandoned or crews withdrawn, conductors and trainmen affected shall have their choice of trains according to their rank in service. Men so displaced will have the same privilege. Conductors of trains withdrawn may be assigned to extra duty as conductors in rotation, if they so desire.

18. Regular positions temporarily vacant for thirty (30) days or more shall be given to the oldest men, in the proper line of service, applying for same. If vacant less than thirty (30) days the positions shall be given to the extra men.

19. For every two trainmen promoted to the position of conductor one experienced conductor on the trainmen's roster will be re-employed if desirable.

20. Conductors and trainmen living within one mile of the yard will be called one hour before required for duty, except that men on trains having a fixed leaving hour will not be called between 8 A. M. and 9 P. M.

21. On arrival at terminal after a trip of fifteen (15) hours or more continuous service men will be allowed ten (10) hours' rest if desired, except in case of wrecks, washouts or other like emergencies.

22. Men on scheduled or regularly assigned trains will not be called for extra service on their layoff when spare men are available.

23. All unassigned conductors and trainmen will be run first in, first out, on their respective divisions.

24. Conductors or trainmen will not be dismissed or suspended from the service without cause; in event of suspension or dismissal they will have the right, within ten (10) days, to refer their case, by written statement, to

the division superintendent. As soon as possible, after receipt of such notice, their case will be given a thorough investigation by the proper officers, at which they will have the right to be present, if they desire, and also to be accompanied by fellow-employees of their choice. In case they are not satisfied with the result of such investigation, they will have the right to appeal their case to the general superintendent. In case the suspension or dismissal is found to be unjust, they will be reinstated and paid for time lost.

25. Conductors or trainmen will be granted leave of absence as soon as possible after it is applied for.

26. Conductors and trainmen shall be exempt from coaling engines at terminal stations.

27. When business is light the work will be equalized between men on regular and extra crews, as far as practicable.

28. Effort will be made to furnish employment, suitable to their capacity, to conductors or trainmen who are injured in the discharge of their duty or become unable to perform their duty on account of failing health.

29. Conductors and trainmen shall, if they so desire, upon leaving the service, be given a letter signed by the superintendent, stating the nature and time of their service and the reason for leaving.

30. This agreement of rates of wages and rules affecting the employment of conductors and trainmen supersedes all previous rules inconsistent therewith.

A. J. STONE, *General Superintendent*.

#### (14b) Engineers and Firemen.

*The following Are the Established Rates of Wages of Enginemen and Firemen and the Time and Mileage upon which the Wages Are Computed, to Take Effect August 1, 1904:*

1. The rates per day are fixed for an actual day's run of one hundred (100) miles or less, and all runs over one hundred (100) miles in one day will be paid for at the mileage rates. Eleven (11) hours or less will constitute a day's work, the time and mileage to be computed and carried out separately for each day's work. Ten (10) miles will be allowed for each hour after eleven (11) hours consumed in making one hundred (100) miles or less.

#### ENGINEMEN.

	Cents per mile.
Passenger engines.....	3.50
Consolidation freight engines.....	4.00
Other freight engines.....	3.60
Switch engines.....	3.50

#### FIREMEN.

	Cents per mile.
Passenger engines.....	2.10
Consolidation freight engines.....	2.50
Other freight engines.....	2.30
Switch engines.....	2.20

Mine runs to be classified as road runs.

Men performing the regular duties of a hostler will receive \$2 per day, and will be allowed overtime pro rata after twelve (12) hours service. Experi-

enced enginemen and firemen shall be given preference, as far as possible, in the employment of hostlers.

2. Time of service will commence when engineman has registered one hour before leaving time, and conclude when engineman has registered on time sheet placed in engine house for that purpose.

3. Men who are marked and report for duty and are relieved before performing any service will receive one-fourth ( $\frac{1}{4}$ ) day's time and pay, except when they receive notice before leaving their home that their train is annulled. If one (1) hour's work or more is done in getting engine ready for service, one-half ( $\frac{1}{2}$ ) day's time and pay will be allowed.

4. Men attending court or inquest as witnesses, or engaged in any other work assigned to them by the company, will receive pay for one hundred (100) miles per day while so engaged, except in case of enginemen and firemen employed on regularly scheduled trains, who will receive the mileage and pay which they would have received in ordinary service, together with necessary expenses.

5. Men employed on work trains or engines making trial trips will be paid in accordance with the class of engines they may be running.

6. Men required, on written order of the proper officer, to deadhead over any portion of the road, on company's business, will be allowed one-half ( $\frac{1}{2}$ ) mileage made in their class when deadheading on passenger trains, and full mileage when deadheading on freight trains, except when being transferred for service of not less than five (5) days.

7. When a fireman has passed all examinations satisfactorily he shall receive a certificate of promotion, and full pay for service as an engineman, in accordance with the above schedule of rates.

8. Enginemen and firemen running on mixed trains, consisting of freight, passenger or milk, will be paid at freight train rates, in accordance with the type of locomotive used.

9. When firemen are required to act as hostlers or work in shops they will be paid at road rates.

10. Men on switch engines will be allowed one hour for meal between the fifth and seventh hours from time of starting work. If required to work fifteen (15) minutes of the meal hour, one (1) hour's overtime will be allowed, and thirty (30) minutes will be allowed for meal as soon as possible.

11. When the service, as reported on a time slip, is not allowed, the time slip will be returned to the man making it with the reason given for not allowing it.

12. Vacant positions will be advertised within ten (10) days after becoming vacant, and be advertised for a period of ten (10) days on the division on which they occur, and appointments will be made in the order of seniority within (5) days, providing the oldest applicant possesses the requisite qualifications.

13. In the choice of runs on any division the men who have been longest in the service as engineman or fireman on that division shall have the preference, and if a run is discontinued the engineman and fireman fall to the next run held by a junior man.

14. All regular runs or engines temporarily vacant for thirty (30) days or more shall be given to the oldest engineman or fireman applying for same. If vacant less than thirty (30) days they shall be given to the extra engine-

men or firemen. This rule does not apply to the Pennsylvania Division, where the present practice will prevail.

15. All unassigned men will be run first in, first out, on their respective divisions.

16. Firemen will be promoted in accordance with their seniority, and if they fail to pass the first examination they will be given a second examination, and if they fail on the second examination they will be given a third examination, providing the three examinations are taken during a period of nine months. Firemen so qualifying will retain all roster rights.

17. When an engine becomes disabled from any cause and is sent to the shops for repairs, the engineman and fireman will be assigned to another engine to run in its stead, if there is an extra engine available.

18. Enginemen and firemen will not be dismissed or suspended from the service without cause; in event of suspension or dismissal they will have the right, within ten (10) days, to refer their case, by written statement, to the division superintendent. As soon as possible after receipt of such notice their case will be given a thorough investigation by the proper officers, at which they will have the right to be present, if they desire, and also to be accompanied by fellow employees of their choice. In case they are not satisfied with the result of such investigation they will have the right to appeal their case to the general superintendent. In case the suspension or dismissal is found to be unjust, they will be reinstated and paid for time lost.

19. Enginemen and firemen will be called, as near as practicable, two hours before scheduled leaving time, except that men on trains having a fixed leaving hour, will not be called between 8 A. M. and 9 P. M.

20. After completing a trip of fifteen (15) hours or more continuous service, enginemen and firemen will be allowed ten (10) hours' rest if desired, except in case of wrecks, washouts or other like emergencies.

21. Firemen will be exempt from cleaning all brass, inside and outside of cabs, painting stacks, front ends and arches, cleaning out flues and wiping off tanks, and engines below foot-boards. They will, however, wipe engines above foot-boards.

22. Firemen will be exempt from cleaning fires on engines at terminals and turning points where men are now provided for that purpose.

23. Enginemen will not be required to adjust wedges where men are now employed for that purpose.

24. Enginemen and firemen shall be exempt from coaling engines at terminal points.

25. This agreement of rates of wages and rules affecting the employment of enginemen and firemen supersedes all previous rules inconsistent therewith.

A. J. STONE, *General Superintendent.*

(14c) Telegraphers.

THE DELAWARE AND HUDSON COMPANY,  
OFFICE OF THE GENERAL SUPERINTENDENT,  
ALBANY, N. Y., August 1, 1904.

The following rules will hereafter be observed in the employment of telegraphers:

1. Any employee required to telegraph in the performance of his assigned duties shall be considered a telegrapher.



2. A roster of telegraphers will be prepared for each operating division, and a copy of same furnished to each telegraph office. This roster will be revised as often as necessary.

3. All employees in the telegraph service will be regarded as in line of promotion, advancement depending upon faithful discharge of duties and capacity for increased responsibility. Where ability and conduct permit seniority rules will govern.

4. Vacancies or newly created positions will be advertised as promptly as possible by circular letter, one copy to be mailed to each telegraph office upon the superintendent's division. As soon as possible after the elapse of ten (10) days the vacancy will be filled under the terms of Rule 3.

5. A telegrapher declining to accept promotion will not forfeit his rights to the same or any other position he may be entitled to under Rule 3 when a vacancy occurs or a new position is created.

6. A telegrapher accepting a position under Rule 4, and finding it to be unsuitable, will have the same right as other telegraphers in bidding for the position which he vacated when same is advertised.

7. Telegraphers will be granted leave of absence, so far as consistent with good service, and will be relieved as soon as possible after application for same is made.

8. Telegraphers transferred to new locations will be granted free transportation thereto for themselves, dependent members of their families, and household goods.

9. Twelve (12) consecutive hours or less, including meal hour, will constitute a day's work; the hours of service to be arranged to suit the requirements.

10. After one year's service, telegraphers working (12) hours per day seven (7) days per week will be granted one (1) day off per full month's service without loss of pay.

11. Overtime will be allowed for all hours worked in excess of the regular established hours and will be paid for pro rata. In computing overtime less than thirty (30) minutes will not be counted; over thirty (30) minutes and less than sixty (60) minutes will count as an hour. Overtime will not be allowed unless overtime slips are mailed to the proper officer immediately after the service is performed. When overtime is not allowed, as per slip, the telegrapher will be notified as soon as possible.

NOTE.—Overtime will apply only to time made in the performance of telegraph work.

12. Telegraphers summoned to telegraph service outside of regular hours, after being excused by the train dispatcher or leaving the office for the day, will be allowed twenty-five (25) cents per hour for such service; the minimum allowance to be one hour.

13. Telegraphers attending court, or other business for the company, will be paid their regular rates of pay per day; and when called to leave home, necessary expenses will be paid.

14. Telegraphers will not be dismissed or suspended from the service without cause; in event of suspension or dismissal they will have the right, within ten (10) days, to refer their case, by written statement, to the division superintendent. As soon as possible after receipt of such notice their case will be given a thorough investigation by the proper officers, at which they will have the right to be present, if they desire, and also to be accompanied by fellow-employees of their choice. In case they are not satisfied with the

result of such investigation they will have the right to appeal their case to the general superintendent. In case the suspension or dismissal is found to be unjust, they will be reinstated and paid for time lost.

15. Extra telegraphers will receive the same compensation as the persons they relieve, except where extra men are paid a stated monthly salary. Telegraphers holding regular positions, when sent to work in other offices temporarily, will receive no less compensation than their regular positions entitle them to.

16. Telegraphers leaving service in the telegraph department to accept service in other departments will forfeit their seniority after an absence of ninety (90) days.

17. When it becomes necessary to reduce the force it shall be the practice, as far as possible, with due regard to the qualifications of the men, to dismiss the youngest men in the service.

A. J. STONE, *General Superintendent.*

(15) NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

(15a) Locomotive Engineers.

*Agreement, Rates Paid and Usages of Locomotive Engineers on New York Central and Hudson River Railroad.*

NEW YORK CENTRAL AND HUDSON RIVER RAILROAD.

GRAND CENTRAL STATION,

NEW YORK, November 15, 1903.

Beginning December 1, 1903, the following will be the rates paid locomotive engineers for running locomotives in the several classes of service:

ENGINEERS' RATES OF PAY.

All classes of engines, \$3.60 per day, or 3 6-10 cents per mile.

Eight-wheel engines, \$3.65 per day, or 3 65-100 cents per mile.

Classes G2, G3, G4, G5, \$4.20 per day, or 4 2-10 cents per mile.

All other classes, \$4.10 per day, or 4 1-10 cents per mile.

Switch engines, \$3.60 per day.

Freight rates according to class of engine.

Trains, \$3.65 per day, or 3 65-100 cents per mile.

If not regularly in work-train service, \$4.10 per day, or 4 1-10 cents per mile.

Main line, \$3.60 per day, or 3 6-10 cents per mile.

Pa. Division—Road rates as per class of engine in freight service.

Road rates as per class of engine in freight service only.

Shop train, \$3.75 per day, or 3½ cents per mile.

Switch, \$3.60 per day.

Twelve hours to be a day's work, one hour of which to be allowed for meals.

Overtime on shop trains, 31¼ cents per hour.

Overtime on switch engines, 30 cents per hour.

Running "ponies" will be classed as special service and does not affect an engineman's rights in other classes of service; enginemen leaving that service will take their places in the service that their ages as enginemen entitle them to.

ARTICLES.

Article 1. A day's run to be 100 miles or under, time and mileage to be computed and carried out separately for each calendar day's work, unless otherwise agreed with the men.

Article 2. When an engine is used in passenger service the engineman will be paid passenger pay. When it is used in freight service he will be paid freight pay. When an engine starts in freight service and finishes in passenger service over a division, the engineman will be paid freight pay for the entire trip.

Article 3. On all runs overtime will be paid on a basis of 10 miles per hour, time to commence 30 minutes after registering at engine house and end when engine is delivered at point designated by the company; this not to apply to pusher and switch engines. All under 30 minutes to be given to the company; 30 minutes or more to count full hour.

Overtime will be allowed enginemen on switch engines, work trains and pushers after 12 hours and 30 minutes at standard rates; switch enginemen to register where practicable.

Article 4. Enginemen in passenger service will be paid mileage for taking engines to and from engine house, to turn them, unless hostlers are provided for that purpose.

Article 5. Enginemen running helpers between West Seneca, East Buffalo and Batavia will be considered in road service.

Article 6. Enginemen should be required to live within a reasonable calling limit, and when they reside within one mile of engine house they will be called not to exceed two hours before engine is scheduled or marked to leave.

Article 7. Enginemen discharged from the service of the company and thereafter re-employed or reinstated shall receive the same rate of pay they were receiving at the time they were discharged.

Article 8. All enginemen hired shall receive first-class pay.

Article 9. Enginemen will be paid for actual time lost when serving as witnesses for the company. If not required to lose time, enginemen will receive 100 miles per day at proper rates.

Article 10. Enginemen when deadheading over a division by orders from proper official shall receive half pay for such deadheading, and when they do not get out of a terminal within six hours after arrival on such deadhead trip, and have done no other work on that calendar day, they shall receive one day's pay at proper rates.

Article 11. Enginemen will be furnished monthly or quarterly passes over the respective divisions on which they are employed.

Article 12. Enginemen displaced in passenger service and compelled to go into freight service will take their place in freight service that their seniority rights would entitle them to on list as enginemen, they to be first men called to enter passenger service. Failing to respond they will lose their former rights in passenger service. Should they again enter passenger service, they to be the youngest men in that service.

Article 13. Enginemen in road service asking to go into yard service, and allowed to do so, and later going back into road service, the time they were in yard service will be taken from their road rights.

Article 14. If an engineman is incapacitated for road service he shall hold rights in yard service according to his age as an engineman. This will not apply to men taken out of road service for disciplinary reasons.

Article 15. If an engineman is placed in yard service by the company, he shall make application for road service to the proper official in writing within one year or forfeit his rights to road service. If application is not acknowledged by the proper official in ten days, he shall make another application. Signing or bidding for a run shall not be considered as making application in writing.

Article 16. Enginemen displaced from regular runs through no fault of their own shall be entitled to any run that is held by younger men in their line of service. Summer runs are not to be considered as regular or permanent runs. Enginemen bidding in summer runs can not go back upon the runs they formerly held if they have been bid in by older men in the service.

Article 17. When a question arises as to the probable length of time an engineman will be out of service or off his run:

After 60 days the run will be advertised conditionally:

First. If engineman originally holding run returns to work, he displaces the man who bid the run off and he in turn takes the run he formerly held, and so to the end of the list, each man going to the run he formerly held.

Second. When it is known that the original holder of the run is permanently out of the service, the run will again be advertised.

Article 18. If an engineer gives up a conditional run for another conditional run, he can not go back upon the run first held if he is displaced from the second.

If an engineman goes off a conditional run on to a summer run and summer run is taken off, he can not go back upon the run he bid off conditionally.

Article 19. The oldest engineman in line of service will be given preference in work or runs, other things being equal. This means that seniority shall prevail in all classes of service—as passenger service, freight service and yard service. This not to apply in passenger service where there are no regularly assigned extra passenger enginemen doing passenger work only.

Article 20. Enginemen held in readiness for service on Sunday or any other day and not used will be allowed a day's pay for each twelve hours or fractional part thereof.

Article 21. Enginemen called for service and not used and sent home will be allowed a day's pay.

Article 22. Enginemen will be given a chance to defend themselves against charges, and in holding investigations superintendents will be careful to get all the information possible, and hold investigations as soon as practicable; enginemen not to be taken out of the service until after the investigation. If enginemen are suspended and afterward found innocent, they will be paid for lost time.

Article 23. Enginemen suspended will be notified of cause and length of suspension.

Article 24. Where enginemen are interested they will be allowed to choose some engineman in good standing to represent them on boards of investigation if they so desire.

Article 25. Enginemen after completing trip taking over 12 hours and less than 18 hours will be allowed 9 hours' rest. If over 18 hours on trip, 12 hours will be allowed for rest.

Article 26. The number of enginemen in service will be kept at the lowest possible limit necessary to perform the work, and when reductions are made in the force the youngest men in the service will be taken off first.

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Article 27. The company will furnish hostlers and inspectors at all terminals.

Article 28. Pooled and extra enginemen will be run first in first out; except where there are no extra passenger enginemen the oldest pooled or extra enginemen shall be entitled to the extra passenger work.

Article 29. Where enginemen are pooled in slow freight service there will be a regular pool and extra list.

Article 30. Superintendents will give to all enginemen opportunity to ascertain their age and rank in service; a list shall be placed in the principal engine houses giving age in service, and shall be renewed once each year.

Article 31. Enginemen will be given the refusal of such positions as road foreman of engines and engine dispatchers.

Article 32. When enginemen are assigned to regular runs or engines, in case engine is held in for repairs another engine will be furnished in place thereof when practicable, so that regular man will not lose the time.

Article 33. When the service as reported on the time slip is not allowed, the engineman making it will be notified of change, with reason given for not allowing it, as soon as practicable.

Article 34. Enginemen's rights will commence from the first day's running a locomotive after their promotion.

Article 35. On the Mohawk and Western divisions enginemen who were formerly employed on the West Shore will be given their place according to age and rank in the service, except that regular trains that are now assigned to them will not be taken from them.

Article 36. The engines in New York, known as "dummy" engines, are classed as switch engines and enginemen receive standard pay.

Article 37. Enginemen in switch service who desire to do so may arrange to work week about day and night.

Article 38. All engines shall be furnished back curtains at all times, and side curtains from November 1st to May 1st.

Article 39. After January 1, 1904, no question as to rights will be entertained if of more than two years' standing.

Article 40. Switch engines in Salina yard shall be manned by Rome, Watertown and Ogdensburg men.

Article 41. Enginemen will be paid actual extra mileage for helping or doubling hills or going for water outside of water limits or going for coal, but should be understood to apply only where total mileage exceeds 100 miles.

Article 42. Enginemen on pushers at Byron, Fairport, Lyons, Clyde, Whiskey Hill, Canaseraga, Oneida, Schenectady, Albany and Rensselaer will be classed as switch enginemen as to rights.

Article 43. Switch enginemen will be given one hour for meals, commencing between 11.30 and 1.30 in day or night service, and if required to work 15 minutes or over of the hour, they will be allowed pay for the hour; but if not allowed to go until after 1.30 in day or night service they will be paid for the hour and allowed 30 minutes for meals.

Article 44. All vacant or new runs shall be posted on bulletin boards on the division or district in which they occur, bids to close in not more than ten days; then the oldest engineman bidding shall be assigned to it within five days from time bidding closes.

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Article 45. Enginemmen set back firing owing to falling off of business will be placed as soon as possible on runs their age would entitle them to; their record in the latter case will be included as enginemmen.

J. P. BRADFIELD, *General Superintendent.*

(15b) Trainmen and Yardmen.

*New York Central and Hudson River Railroad Company, Rates of Pay and Rules for Trainmen and Yardmen. Effective January 1, 1903.*

NEW YORK, December 20, 1902.

To Division Superintendents:

GENTLEMEN: Beginning January 1, 1903, the following changes in rates of pay for road brakemen and yard conductors and brakemen, and arrangements for handling same, will be in effect. Please see that the practice conforms to it.

## PASSENGER SERVICE.

Position.	Amount per month.	Maximum miles.	Rate per mile.
Through runs between New York and Buffalo:			
Rear trainman .....	\$75 00	9,000	.008 1-3
Forward trainman .....	70 00	9,000	.007 7-9
Through trainman .....	77 00	9,000	.008 5-9
Through runs between Weehawken and Buffalo, trains 19 and 4, 1 and 2, 3 and 4, 1 and 2, 3 and 20:			
Trainmen .....	70 00	8,800	.0081
Baggagemen .....	75 00	8,800	.0087
Trainmen .....	60 00	7,800	.0077
(These are flat rates and are to be paid each month for filling the schedule.)			
Through runs between Weehawken and Syracuse, trains 5 and 6:			
Rear trainman .....	\$62 50	6,000	.0104
Forward trainman .....	57 50	6,000	.0096

## MOHAWK AND MALONE.

Utica and Montreal, trains 655 and 654:			
Trainmen .....	70 00	7,500	.009 1-3
Saranac Branch:			
Trainmen .....	60 00	3,000	.02
Baggagemen .....	60 00	3,000	.02
Herkimer milk train:			
Trainmen .....	60 00	4,500	.01 1-3

## WESTERN DIVISION.

Lyons and Rochester:			
Trainmen .....	55 00	5,500	.01
Baggagemen .....	55 00	5,500	.01
Auburn road, Canandaigua and Falls road, Falls road, Syracuse and Buffalo:			
Trainmen .....	57 75	5,500	.0105
Baggagemen .....	57 75	5,500	.0105

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Position.	Amount per month.	Maximum miles.	Rate per mile.
West Shore, trains 9 and 18:			
Baggagemen . . . . .	\$57 50	5,500	.0105
Trainmen . . . . .	55 00	5,500	.01

### RIVER DIVISION.

Weehawken and Haverstraw:			
Trainmen . . . . .	52 00	5,500	.0095
Weehawken and Newburgh:			
Baggagemen . . . . .	55 00	5,600	.0102
Weehawken and Albany, trains 9 and 18, 11 and 12:			
Trainmen . . . . .	60 00	6,000	.01
Weehawken and Kingston, trains 24 and 25:			
Baggagemen . . . . .	60 00	6,000	.01

### SHORT RUNS.

Weehawken and Haverstraw, Kingston and Albany, Albany branch, New Jersey Junction:			
Trainmen . . . . .	52 00	3,500	.015
Baggagemen . . . . .	56 00	3,500	.016
Wallkill Valley:			
Trainmen . . . . .	55 00	5,000	.011
Baggagemen . . . . .	55 00	5,000	.011

### HARLEM DIVISION.

New York and Pawling:			
Trainmen . . . . .	52 50	4,000	.0131

### MOHAWK DIVISION.

Syracuse and Little Falls:			
Forward trainmen . . . . .	55 00	5,000	.011
Albany and Syracuse, West Shore, trains 9 and 18:			
Baggagemen . . . . .	60 00	5,500	.0109
Trainmen . . . . .	55 00	5,500	.01

### PENNSYLVANIA DIVISION.

Lyons and Corning, Cherry Valley branch. . . . .	\$55 00
Pine Creek . . . . .	60 00
Beech Creek, main line. . . . .	57 50

### ROME, WATERTOWN AND OGDENSBURG DIVISION.

#### Baggagemen.

Trains	Between	Constructive mileage per day.
110 and 111,	Oswego and Falls. . . . .	200
1-12 and 4-3,	Massena Springs and Syracuse. . . . .	200
47-7-8-48,	Massena Springs and Utica. . . . .	200

Trains	Between	Constructive mileage per day.
71 to 78, Cape Vincent and Watertown.....		200
537 to 522, Utica and Ogdensburg.....		200
502-507, Utica and Watertown.....		200
64-61, Ogdensburg and DeKalb Junction.....		200

*Trainmen.*

110-111, Oswego and Falls.....	200
201 to 212, Richland and Rochester.....	235
101 to 104, Buffalo and Rochester.....	235
116-117, Buffalo and Watertown.....	200
Phoenix, Oswego and Syracuse.....	200
7 to 8, Syracuse, Oswego and Richland.....	200
47-7-8-48, Massena Springs and Utica.....	200
537 to 522, Utica and Ogdensburg.....	200

## SPECIAL RATES FOR PASSENGER TRAINS.

In excursion passenger service, 200 miles at 1 cent per mile will be allowed as a day's pay for 12 hours; over 12 hours, 20 miles per hour will be allowed. Trainmen will be allowed half time for deadheading on extra work.

## FREIGHT SERVICE—THROUGH FREIGHT SERVICE.

## HUDSON, MOHAWK AND WESTERN DIVISIONS.

Slow freight brakemen.....	.018 per mile.
Fast freight brakemen.....	.0175 per mile.

(Trains having high-class business, merchandise, stock and beef, or that require preferred movement, are considered fast freights.)

## RIVER DIVISION.

Freight brakemen .....	.0175 per mile.
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(100 miles or less to be considered 100 miles. All over 100 miles to be paid pro rata. This does not apply to the Rome, Watertown and Ogdensburg division, where 10 hours or less constitute a day.

## WESTERN DIVISION.

Local pickup and drop brakemen to remain as at present. DeWitt and Lyons trains to receive 150 miles per round trip, including the time crew has at Lyons, slow freight pay. Newark and Dewitt trains same basis.

## MOHAWK DIVISION.

Local pickup and drop train brakemen that run over the entire division are to receive slow freight pay.

All other local and pickup and drop train brakemen to remain as at present. Brakemen running between Frankfort and New York Mills and extra brakemen running between Ravenna and Hoffmans to be classed as local pickup and drop trains and receive same pay, .0154 cent per mile.

## MOHAWK AND MALONE.

Local brakemen to receive \$2.31 per day on mileage basis, .0154 cent per mile, 150 constructive miles per day.



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### HUDSON DIVISION.

A P 4 and P A 3 to be classed as continuous trip and paid slow freight pay. All other local and pickup and drop trains to remain as at present.

### HARLEM DIVISION.

All local pickup and drop trains to remain as at present.

### PENNSYLVANIA DIVISION.

Through freight flagmen.....	.022 per mile
Through freight brakemen.....	.02 per mile
Way freight flagmen.....	.0225 per mile
Way freight brakemen.....	.0215 per mile

Trains running between Oak Grove and Newberry Junction are to be considered local trains and paid as such.

### ROME, WATERTOWN AND OGDENSBURG DIVISION.

Through freight brakemen \$2.00 per day.

Way freight brakemen \$2.15 per day.

Trains 151 and 152 to be allowed overtime after 12 hours and 30 minutes after leaving time of train 151.

General rates and overtime arrangements:

All regular work train brakemen will be allowed pay when held on duty Sundays and holidays. Overtime after 12 hours and 30 minutes.

Brakemen called for extra work trains to be paid local freight rates.

Brakemen exclusively in gravel train service will be paid slow freight rates.

Overtime will be allowed on basis of 10 miles per hour, time to commence from the time called for, providing the brakemen is on hand at that time, and continue until relieved, all under 30 minutes to be given to the company, 31 minutes or more to count full hour. Overtime on local pickup and drop trains that are paid by the mile is to be paid pro rata on basis of 10 miles per hour; that is, overtime for each hour is to be one-tenth of the rate for 10 hours pay; where overtime begins at 10 hours and 30 minutes, and the rate is by the day, the overtime allowance per hour is to be one-tenth of the day's rates.

### ARTICLES.

When trainmen on main line do not make 2,600 miles in extra freight service or 26 days on the Mohawk and Malone, Rome, Watertown and Ogdensburg and Pennsylvania divisions, the number of men in the service will be reduced beginning with the youngest men regardless of runs. Men reduced under this rule will retain their rights and seniority. This does not apply to men discharged.

Trainmen will be in line for promotion to conductors depending upon their ability and fitness to assume increased responsibility, and shall be given preference in runs according to seniority and ability.

Trainmen will not be disciplined or discharged from the service of the company without just cause, and when disciplined will be given a prompt hearing within five days if practicable and if found blameless, their record will remain as previous thereto and they will be paid for lost time.

Trainmen running over the road light with engine and caboose are to be allowed full mileage. When more than one crew is sent in one train, the first out will have charge of the train and receive full mileage. Deadhead trainmen will be allowed halftime and stand first out in regular order on arrival. Trainmen deadheading on freight trains will receive full mileage, and on passenger trains half mileage.

When trainmen are used as pilots they shall receive conductor's pay.

Trainmen summoned as witnesses for the company in courts or similar service shall receive their stated rates of wages while in attendance.

When regular trainmen are required to tend switches, watch crossings or do any other work outside of their regular assigned work, they shall receive their regular rates of pay.

When two or more classes of service are performed on one trip, the rate of pay allowed will be that for which the greater number of hours service is performed; if the greater number of hours service is on freight work they will be paid freight pay, if the greater number of hours service is on passenger work they will be paid passenger pay.

Trainmen required to remain on duty on arrival at terminal shall be allowed continuous time.

Trainmen called and not used shall be allowed one day's pay and stand last out.

Trainmen shall be required to report for duty 30 minutes before leaving time and if required to be on duty before that time, they shall be paid extra compensation.

Trainmen will be advised in writing when time is not allowed as per time slip, and reasons stated.

New runs and vacancies in passenger and freight will be bulletined when created and advertised ten days before being filled permanently. Declining a run will not affect seniority. Run to be given to the oldest bidder providing all things are equal.

Roadmen have no seniority rights in yards, nor yardmen on the road.

Trainmen will not be required to go out without sufficient rest, but in no case will more than ten hours be allowed.

Trainmen required to change their runs and by the change required to move, family will be moved free of charge and household goods will be moved at nominal charge, on application to proper official. When roadmen are employed in yard service they will be paid yard pay. Unless otherwise arranged, trainmen in through freight service not assigned to regular runs will run first in first out.

Trainmen shall be required to live within a reasonable calling limit, and when they reside within one mile of the yard, will be called not to exceed two hours before the time "called for." Men on regular runs leaving between 7 A. M. and 10 P. M. will not be called. Any conductor making complaint against a trainman to superintendent or trainmaster, which will result in discipline, will make same in writing over his signature, unless it is taken down by a stenographer.

When a trainman leaves the service of the company of his own accord, he is out of the service of the company and the question of his re-employment is a matter for consideration the same as the employment of any other man.

Trainmen promoted to official positions will retain their seniority.

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Trainmen leaving the service to go into clerical positions will lose their rights in train service.

All other rates of pay and practices not changed as above will remain as at present.

## YARD RATES.

New York (including Thirty-third street, Sixty-fifth street, Weehawken and Mott Haven):

Night conductors.....	\$0.25
Day       ".....	.24
Night brakemen.....	.225
Day       ".....	.215

Albany passenger yard:

Night brakemen.....	\$0.21
Day       ".....	.20

Albany freight yard and West Albany:

Night conductors.....	\$0.245
Day       ".....	.235
Night brakemen.....	.225
Day       ".....	.215

Dewitt, Ravena, Syracuse, Rochester, Newark, Corning, Newberry Junction, Jersey Shore, Clearfield, Suspension Bridge, Niagara Falls, Utica, Lyons and Tonawanda:

Night conductors.....	\$0.24
Day       ".....	.23
Night brakemen.....	.205
Day       ".....	.19

Newburgh, Kingston, Troy and Schenectady:

Night conductors.....	\$0.21
Day       ".....	.20
Night brakemen.....	.19
Day       ".....	.18

Frankfort:

Conductors .....	\$0.20
Brakemen .....	.18

Amsterdam, Herkimer, Rome, Oneida and St. Johnsville:

Brakemen .....	\$0.17
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(Brakeman on the Oneida switcher who goes to Canastota in charge of the engine is to be paid \$0.18.)

Fonda, Auburn, Geneva, Canandaigua, Batavia and Lockport:

Conductors .....	\$0.18
Brakemen .....	.17

Oswego, Carthage and Ogdensburg:

Conductors .....	\$0.19
Brakemen .....	.18

Watertown and Rensselaer:

Night conductors.....	\$0.20
Day       ".....	.19
Night brakemen.....	.19
Day       ".....	.18

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## Norwood:

Conductors .....	\$0.185
Brakemen .....	.175

## Charlotte:

Conductors .....	\$0.19
Brakemen .....	.17

## Poughkeepsie:

Night conductors.....	\$0.19
Day " .....	.18
Night brakemen.....	.18
Day " .....	.17

## Yonkers:

Conductors .....	\$75.00
Brakemen .....	.19

## Hudson:

Conductors .....	\$75.00
Brakemen .....	.17

Yardmen on switch engine at High Bridge are to be paid overtime when it is worked.

## Viaduct, Munson:

Brakemen .....	\$0.18
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## Hawk Run, Patton, Antrim and Tupper Lake:

Conductors ..	\$0.205
Brakemen .....	.18

## GENERAL YARD ARTICLES.

The rules for trainmen will govern yardmen where they apply. The rights of yardmen shall be confined to their respective yards. Promotion and right to preferred engines shall be according to seniority and ability. The line of promotion shall be from night to day positions.

Yardmen working on 12-hour basis shall receive a minimum allowance of 6 hours and for 6 hours or over, one day or 12 hours to be allowed, including one hour for meals. When regular yardmen are required to attend to switches, watch crossings or do any work other than their regular assigned duties they shall receive regular pay.

Crews working one-half day shift and one-half night shift shall receive night pay.

When yardmen are called for service and do not work they shall receive their respective rates per hour for the time held, with a minimum allowance of half a day. One hour for meals will be allowed between the hours of 11.30 A. M. and 1.30 P. M. and 11.30 P. M. and 1.30 A. M., and, if necessary to work during the time specified, 25 minutes will be allowed for meals and one hour additional pay.

This will also apply to mine runs on the Pennsylvania division. General yardmasters shall notify in writing or in person all parties interested when time is not allowed as per time slip, giving reasons for same.

It is not desired that engines be used any unreasonable time in switch service when they are not properly equipped with foot boards and grab irons.

All other rates of pay and practice for yards not changed as above will remain as at present.      Yours truly,

A. H. SMITH, *General Superintendent.*

(16) ALBANY-TROY STREET RAILWAY EMPLOYEES.

*Memorandum of Agreement between the United Traction Company, whose principal place of business is at the City of Albany, N. Y., party of the first part, and Divisions 132 and 148 of the Amalgamated Association of Street and Electric Railway Employees of America, parties of the second part, witnesseth:*

That the party of the first part declares its intention to treat all its employees fairly; to pay them adequate wages for services rendered; to so regulate the hours of service as to conserve the health and happiness of its employees and their families; to require extra work only when the necessities of its patrons demand extra cars or extra service, but in no event to require service beyond what is fair and reasonable; to remedy any mistakes made by its superintendents, assistant superintendents, or others in charge of employees, as soon as attention is called to same, and generally to so conduct its business of operating a great street railway system as to secure pleasant and remunerative employment for its operating force and convenient and safe transportation for its patrons.

The parties of the second part declare it to be their intention to render faithful service in the respective positions to which they may be assigned; to obey all rules of the party of the first part, and generally to coöperate with the party of the first part in making their relations mutually agreeable and profitable.

Now, therefore, in order to guide them in carrying out the foregoing intentions, they have mutually agreed as follows:

FIRST. The party of the first part will recognize and treat with its employees, or with any committee of its employees, when they desire to be heard in relation to any grievance.

SECOND. The wages of motormen, conductors, linemen and pitmen shall be at the rate of twenty (20) cents per hour, and the wages of pitmen's helpers shall be at the rate of seventeen and one-half (17½) cents per hour. The wages of operators in transformer houses will be at the rate of twenty-two and one-half (22½) cents per hour and the wages of assistants in transformer houses at the rate of seventeen and one-half (17½) cents per hour. Flagmen, switchmen and sandmen shall be paid at the same rate as at present.

THIRD. The present system of operating runs to be continued. Questions of differences to be referred to the president or executive committee of the party of the first part.

FOURTH. Regular conductors and motormen shall not be required to work overtime, unless it becomes necessary by reason of failure of reliefs to appear. Trips thus run shall not be considered overtime, for which extra compensation may be claimed. All regular conductors and motormen who consent to work, and are assigned to work on extra cars, shall be entitled to extra compensation. Extra cars are cars not included in time schedules. Every regular conductor or motorman who performs extra work shall be paid time and a half from the time he is required to report for extra cars.

Work performed on snow plows or sand cars shall not be regarded as work for which time and a half shall be paid.

Men called to do extra work on wrecking crews, after having performed ten hours or more of work, shall be paid at the rate of thirty (30) cents per hour for the time engaged in clearing wreck and bringing same to car house.

FIFTH. While doing committee work for the parties of the second part, either local or international representatives of the parties of the second part shall have preference over other employees in securing leave of absence.

SIXTH. When employees are summoned before general or division superintendents to answer charges, they shall lose no more time in the investigation of the charges than is actually necessary, and if not found guilty of the alleged charges, they shall be reimbursed by the party of the first part for all time lost.

When a member of the parties of the second part is summoned before a superintendent of the party of the first part for violation of rules, he shall, upon request, have time, after hearing the charges against him, to enable him to present any defense which he may have to the charge, and shall, if he so desires, be entitled to counsel. An adjournment of the hearing for the purpose of enabling him to present his defense shall be granted.

If an employee be dissatisfied with the superintendent's decision, he, or a committee representing him, shall have the right to an appeal and a hearing before the executive committee of the party of the first part.

SEVENTH. In the record kept by the party of the first part for violation of rules by employees, the defense of the employee as well as the violation charged shall be made a matter of record.

EIGHTH. The party of the first part agrees to furnish free transportation to conductors and motormen when riding in civilian attire, by means of passes or tickets, substantially of the design exhibited.

NINTH. In vacancies occurring on hills or railroad crossings, employees shall have preference for such positions.

TENTH. To promote the interest of the parties hereto, and to reduce as much as possible inconvenience to the traveling public, it is agreed that no proposition for a strike shall be acted upon by any division at the same meeting at which it is introduced, but that at least forty-eight hours shall elapse before such proposition shall be voted upon, and if a strike shall be ordered, it shall not take effect until at least six days shall have elapsed after notice given to the company, in writing, during which time the employees shall continue their work.

ELEVENTH. This agreement shall continue in force and shall be binding not only upon the parties hereto but upon their successors, or any organizations formed by the members of said divisions, for the term of one year from the date hereof.

(Signed June 29, 1904.)

(17) BUFFALO GRAIN ELEVATOR EMPLOYEES.

[Terminating dispute of May 17-24, described in Table I and chap. III, page 80.]

*Memorandum of agreement made this 24th day of May, 1904, between the Western Transit Company of the first part, and the Buffalo Grain Elevator Employees' Local Union No. 495, I. L. M. & T. A., party of the second part, covering City "A," City "B," Niagara "A," and Niagara "B," grain elevators of the city of Buffalo, Witnesseth:*

First. That the party of the first part agrees that in the selection of employees preference shall be given to present employees and members of Local 495 when such men are satisfactory to the superintendent in charge of the above elevators.

Second. That party of the first part will pay each monthly man the same rate of wages as paid last year, under the same conditions.

Third. Hours of labor shall be from 7 A. M. to 6 P. M., with time allowance out for dinner, as heretofore, same to be regulated by the superintendent of the elevators.

Fourth. A month's work shall not include Sundays.

Fifth. Any part of Sunday work will be paid a full day, up to 6 P. M.

Sixth. That the season's work shall be from the time the vessels belonging to the Lake Carriers' Association are put in commission until January 1, 1905, with the understanding that the minimum regular day force shall be given steady employment during the season with the future understanding that the superintendent may, at his option, employ additional men for any period, indefinite or otherwise, during the season, with the future understanding that when it is necessary to lay off these men he can do so without objection.

Seventh. That the holidays shall be Decoration Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas. In case it is necessary to work the elevators on these holidays (with the exception of Labor Day) as many men will work as the superintendent may require.

Eighth. Overtime shall be paid all men at the rate of 20 per cent advance per hour over the monthly wage rate for services rendered after 6 P. M. week days and for Sundays and holidays.

Ninth. All grain now in Buffalo harbor or that may arrive between date and the time the Lake Carriers' Association vessels are put in commission shall be worked with the usual complement of regular men, paying them for the time they work.

(18) BUFFALO GRAIN SHOVELERS.

*This Agreement, made and entered into at the City of Cleveland, O., on the 15th day of April, 1904, by and between the International Longshoremen, Marine and Transport Workers' Association, party of the first part, and the Lake Carriers' Association, a corporation of the State of West Virginia, party of the second part, witnesseth as follows:*

First. This agreement is made for the handling of grain at the port of Buffalo for the season of 1904.

Second. All men employed by the superintendent for the purpose of handling grain at the port of Buffalo shall be members of the local organization of the I. L. M. & T. A. whenever such men can be had. When such men can not be had, the superintendent has the right to secure any other men

who can perform the work in a satisfactory manner until such time as members of the I. L. M. & T. A. can be secured. No man shall be discharged without just cause and he shall be notified of the cause of such discharge.

Third. In the event of any controversy arising between the I. L. M. & T. A. or local organization and the Lake Carriers' Association or superintendent or in the event of the men or local organization having any grievance, the men shall continue to work and any and all such controversies and grievances shall be settled if possible by the president of the local organization and the superintendent for the Lake Carriers' Association. If such controversies and grievances can not be settled, then they shall be arbitrated by choosing a third disinterested man upon whom the president of the local organization and the superintendent for the Lake Carriers' Association shall agree. The decision of any two shall be final. If the president of the local organization and the superintendent for the Lake Carriers' Association can not agree upon a third man, each side shall choose a disinterested man and the two thus chosen to choose a third disinterested man, and the said three men shall constitute a board of arbitration.

The decision of a majority of said three shall be final and both parties shall abide thereby. It is expressly agreed that said arbitration board shall meet within ten days after the matter being submitted to them.

Fourth. It is distinctly understood and agreed between the parties to this agreement that no man or boss in an intoxicated condition or under the influence of liquor shall be permitted to work while in that condition. A continued repetition of such condition shall be cause for suspension or discharge.

Fifth. When a gang at an elevator quits or refuses to work on a vessel, it shall be considered a violation of this agreement and a gang may be sent from any other elevator governed by this agreement, who shall finish or discharge such vessel after the rules of this agreement, as though they had originally started her. The men so finishing the cargo shall receive the entire pay for discharging or unloading of it consigned to an elevator at which the men quit or refused to work. The men so refusing to work said vessel shall be determined by the president of the local organization and the superintendent for the Lake Carriers' Association.

Sixth. Boss scoopers shall be appointed by the superintendent. It is understood and agreed that they be members of the scoopers' local union.

Seventh. The wage scale for unloading grain shall be \$2.12½ per 1,000 bushels, except where cargo is started on or after 6 P. M. on Saturday or any time up to 7 A. M. on Monday or coming partially unloaded from another elevator after 6 P. M. on Sunday. Such cargoes shall be paid for at the rate of \$3.12½ per 1,000 bushels. It is understood, however, that all cargoes starting prior to 6 P. M. on Saturday and worked continuously at the same elevator shall be unloaded at the regular rate.

Eighth. The compensation for handling wet grain or lightering cargoes when vessels are aground shall be at the rate of 35 cents per hour.

Ninth. It is further mutually understood and agreed by and between both parties to this agreement that no saloon or political influence shall be allowed or practiced by representatives or employees of either parties.

Tenth. Legal holidays shall mean Decoration Day, Fourth of July, Labor Day and Thanksgiving Day. No other holidays shall be recognized.



Eleventh. The supervising bosses shall have power to hire and discharge men for cause, employing only members of Local 109 in good standing.

Twelfth. The president of Local 109 shall appoint the timekeepers for the gangs at the different elevators.

Thirteenth. It is further agreed and understood that any matter not herein mentioned will remain as heretofore.

In witness whereof the Lake Carriers' Association has caused this agreement to be subscribed to by its president and the International Longshoremen, Marine & Transport Workers' Association has caused the same to be duly executed by its representatives as well as by the representatives of Local No. 109 also duly authorized.

LAKE CARRIERS' ASSOCIATION.

DANIEL J. KEEFE, *President*,

J. J. JOYCE, *President Local 109*,

*Of the I. L. M. & T. A.*

(19) BUFFALO MARINE FIREMEN, OILERS AND WATERTENDERS.

*This Agreement, made and entered into in the City of Cleveland, this 27th day of April, 1904, by and between the Lake Carriers' Association, a corporation of the State of West Virginia, by its executive committee, duly authorized, and the Marine Firemen's Local, No. 124, of the I. L. M. & T. A., duly authorized representatives. Witnesseth:*

First. This agreement is made for the navigation season of 1904, on the Great Lakes for all vessels enrolled or may hereafter be enrolled in the Lake Carriers' Association.

Second. It is understood and agreed that steamers covered by this contract shall not be required to carry any more or less men than was the custom previous to 1902, except in cases where men are unable to do the work, then they can apply to the engineer or owner for such additional help as the engineer may deem necessary. And in the event of differences arising, the same shall be adjusted promptly by the presidents of the parties hereto respectively, and, if unable to agree, shall call in a third disinterested party, and the decision of a majority of these three shall be final and binding.

Third. In the event that Firemen's Union Local No. 124, I. L. M. & T. A., is unable to furnish sufficient men when called for by the engineer or his representative, he may ship non-union men to fill such shortage for not longer than the ensuing round trip; and such non-union men shall not be disturbed before the expiration of their terms of shipment for the trip as above provided.

Fourth. It is understood and agreed that all men employed under this contract shall be under the direction and control of the engineer, and at all times subject to his orders.

Fifth. It is further understood and agreed that no union man shipping on any boat covered by this contract for the trip shall desert the ship before the trip is completed (and then if he decides to quit, must give the engineer twelve hours' notice before doing so), or under any circumstances refuse to perform his duty, and in case he does so before the trip is completed, such action shall be reported to the Marine Firemen, Oilers & Watertenders'

Union, who agree to at once discipline him and not offer him for shipment for a period of 30 days.

Sixth. It is further agreed, that all requirements for men to be furnished under this contract shall be made to the officers or agents of the Marine Firemen, Oilers & Watertenders' Union, when not shipped aboard the boat, and, if any transportation is required to get the men to the vessel, the same shall be furnished by the Marine Firemen's local, who, in turn, shall be reimbursed by the captain or owner (as the case may be) after such men have made the round trip as agreed. Nothing in this article shall prevent or prohibit the engineer of the vessel from shipping union men who may apply to him as heretofore.

Seventh. It is also agreed that the offices of the Firemen's Local shall be kept open until 10 o'clock each day, during the navigation season, at the ports of Buffalo, Conneaut, Ashtabula, Cleveland, Toledo, Detroit, Bay City, Chicago, South Chicago, Milwaukee, Superior and Ogdensburg.

Eighth. After a boat has completed her round trip if the firemen quit, there shall be no obligation to hire a new crew of firemen until the engineer wants them. If, however, a boat is unduly delayed in unloading, the firemen who have made the previous round trip shall not be paid off until she has been in port three days.

Subject to the foregoing terms and conditions, the Lake Carriers' Association, and the members of the Marine Firemen, Oilers and Watertenders' Association do hereby agree to the following scale of wages for the season of 1904:

1. The wages of the men employed in fitting out shall be \$1.75 per day while they are not boarded on the vessel. As soon as they are shipped for the trip and the vessel is in commission, the rate shall be the wage fixed by the schedule hereinafter provided.

2. The rate of wages for firemen, oilers and watertenders shall be at the rate of \$45 per month until October 1st, and from October 1st to the close of navigation the wage to be \$65 per month.

3. It is the intention of the parties to this agreement that the Marine Firemen, Oilers and Watertenders' Local shall furnish and supply to all vessels of the Lake Carriers' Association all of the men they require of the classes herein mentioned to the utmost of their ability.

4. It is understood and agreed that the Marine Firemen, Oilers and Watertenders' Local agrees that it will at all times use its best efforts and, so far as possible, guarantee a sufficient number of men to carry out this contract to the satisfaction of the Lake Carriers' Association; and further, that the said Marine Firemen, Oilers and Watertenders' Local will not order or allow its members to go on strike for any cause; but shall not be required to work under police protection on the boat.

5. In the event of any differences arising between the two parties hereto as to the meaning or intent of any part of this contract, the men shall continue to work and said differences to be arbitrated in the usual way.

In witness whereof, the Lake Carriers' Association, by its executive committee and president, as aforesaid, has caused this contract to be subscribed and made on its behalf, and the said Marine Firemen, Oilers and Watertenders' Local No. 124, of the I. L. M. and T. A., has caused this agreement

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to be subscribed and entered into on their behalf, by their representatives, whose names are also hereunto subscribed, at the city of Cleveland, the day and year first above written.

THE MARINE FIREMEN OILERS AND WATERTENDERS' ASSOCIATION—

DANIEL J. KEEFE, *President*.

C. WILD.

MICHAEL CASEY.

THOMAS KELLY.

JAMES KENNEDY.

ALBERT AMMON.

THOMAS MILSON.

THE LAKE CARRIERS' ASSOCIATION—

By W. LIVINGSTONE, *President*.

GEORGE A. MARR, *Secretary*.

(20) COHOES TEAMSTERS.

[Agreement terminating dispute of June 15-18, described in Table I and Chap. III, pages 83-86.]

Section 1. Employers agree to employ only teamsters who are members of the Local Union No. 222, except when union is unable to supply men. In such cases men accepting employment will be expected to become members of Local Union No. 222 within ten (10) days from date of employment.

§ 2. Whenever any grievance or complaint arises there shall be no stoppage of work through either strike or lock-out until the matter under dispute shall have been settled, either by the parties directly affected or by submitting the question in dispute to a board of arbitration, to be composed of one person selected by the employer and one by local union, the two so selected to select a third member, the decision of such board to be final.

§ 3. The minimum rate of wages, which shall include care of horse or team, shall be \$11 per week for Troy team drivers, \$10 per week for city team drivers, and \$9 per week for single horse drivers, until January 1, 1905.

§ 4. Work on holidays other than taking care of team, shall be paid for at the rate of 1½ time for time actually on duty. The following days will be considered as holidays: Fourth of July, Labor Day, Thanksgiving Day, Christmas and New Year's Day.

§ 5. This agreement shall remain in full force and effect for one year from date of same, and until either party desiring a change shall submit such desired change in writing to the other party, in which case 30 days notice in writing shall be given by party desiring change.

Inauguration of new wage scale to be taken up January 1, 1905.

§ 6. It is mutually understood and agreed that all men now on strike will be reinstated forthwith.

(Signed by representatives of union and employers, June 19, 1904.)

(21) NEWBURGH STREET RAILWAY EMPLOYEES.

[Terminating dispute of July 17-20, described in Table I, page 38.]

*Memorandum of Agreement entered into between the Orange County Traction Company, party of the first part, and its employees in Division No. 388 of the Amalgamated Association of Street and Electric Railway Employees of America, located at Newburgh, N. Y., party of the second part, and to read as follows:*

Section 1. The party of the first part agrees to treat with the properly accredited local officers or committees who shall be employees of the company on any grievances that may arise.

§ 2. That the oldest man in the service of the company as motorman or conductor, except in exceptional cases, shall have preference of runs.

§ 3. That the employees shall have ample time for their meals, which shall be no less than thirty (30) minutes, except in exceptional cases.

§ 4. That any member of the association suspended or discharged for any cause whatever, and after investigation if not found guilty of the offense for which he was suspended or discharged, shall be reinstated to his former position and be paid for the time so lost, at the same rate that he would have received had he been operating his car. The company reserves the right to discharge or suspend employees for cause at all times, except for membership in the union.

§ 5. The party of the first part agrees to, when it becomes necessary for a regular motorman or conductor to work over his daily schedule, the time shall start from reporting time.

§ 6. No man shall lose more time than is necessary when slated to see the superintendent, unless it be for dishonesty, intoxication or culpable negligence.

§ 7. For the interest of the party of the first part, the parties or the second part agree to obey all rules of the company and to act in a courteous manner to the patrons of the road, and to try to the best of their ability to carry out the business of the party of the first part in a successful manner.

§ 8. Party of the first part agrees to re-employ all employees in good standing on Saturday, July 16, 1904.

§ 9. Party of the second part agrees that the rate of wages now prevailing shall continue during the life of this agreement.

§ 10. That party of the first part agrees to take up the cases of men who were discharged at the beginning of the formation of the organization and be given a fair hearing.

§ 11. This agreement is to be binding on both parties or their successors two years from date of signing.

Signed by—

THE ORANGE COUNTY TRACTION COMPANY,

W. H. POUCH, *President.*

A. B. POUCH, *Secretary.*

COMMITTEE OF THE A. A. OF S. & E. R. E. OF A., DIVISION NO. 388,

W. H. MARTIN,

CHAS. A. LYON,

J. MCBRIDE,

T. HARTNETT,

HERMAN C. DODERER,

LESTER W. KAUNE.

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### (22) NEW YORK CITY RAPID TRANSIT RAILWAY EMPLOYEES.

[For an account of the negotiations resulting in this important agreement, see the Department of Labor Bulletin, December, 1904.]

*Agreement entered into this eighth (8th) day of September, 1904, by and between the Interborough Rapid Transit Company, relative to all its present and future subway lines, and its motormen employed thereon, and the Grand International Brotherhood of Locomotive Engineers, the Local Division thereof No. 105, the Brotherhood of Locomotive Firemen, the Local Lodges thereof Nos. 149 and 155, and the Amalgamated Association of Street and Electric Railway Employees of America, Local Division No. 332, witnesseth:*

ARTICLE I. That ten hours or less shall constitute a day's work on the subway lines of said company, all over ten hours to be paid for pro rata for each and every hour or fractional part thereof as follows: For ten minutes or more after each hour, one-half hour's time shall be allowed, and for thirty minutes or more after each hour one hour's time shall be allowed. That all motormen shall have a relay of not less than fifteen minutes between each trip at northern terminals of their runs, and at southern terminals, when headway is six minutes or over, will take out same train and when less than six minutes will take out the following train.

ARTICLE II. That men promoted by this company to motormen shall receive \$3 per day for the first six months, \$3.25 for the ensuing six (6) months, and after having run a motor one year, shall receive first-class pay, viz., \$3.50 per day, 365 days running a motor to constitute one year.

ARTICLE III. The time of motormen to commence from the time they report on the structure, viz., 15 minutes before they are scheduled to leave.

ARTICLE IV. The oldest motormen in the service of the company to have preference in runs provided there be a vacancy, and shall have the privilege to trade runs with each other when it is satisfactory to both parties concerned for a temporary accommodation of a period of ten days.

ARTICLE V. Any motorman completing an unfinished day for another excused from duty shall receive pay per hour for the same as per classification.

ARTICLE VI. All motormen ordered to report for duty shall receive one-half day's pay for the same providing they are not held for duty more than four hours, and shall receive full day's pay for the same if sent out on the road according to classification.

ARTICLE VII. That there shall be as many straight runs as possible on all schedules. All swing runs shall be completed within twelve hours and fifteen minutes, no swing runs to be made between 9 P. M. and 7 A. M. That any swing of one hour or less shall be considered continuous time, and no motorman shall be required to report more than twice in one day.

ARTICLE VIII. Any motorman having completed his day's work as per schedule, if required to make another trip shall be paid one-half day's pay, providing it does not consume over four hours, if over four hours one day's pay will be allowed.

ARTICLE IX. No motorman shall be required to make any overtime, except in case of emergency; in such case he shall be paid as in Article I. Any motorman making a special trip shall receive a half day's pay for the same; if required to make more than one trip he shall receive a full day's pay.

ARTICLE X. That on all new schedules motormen shall be marked up as near as possible on same runs as they had on previous schedules. The schedules to run one week and then to be thrown open and all motormen allowed a choice as per seniority, and should any vacancy occur after such choice, the run shall be advertised within five days on the bulletin board for twenty-four hours, and the oldest motorman bidding for the same shall receive it, but no more than one change shall be allowed on each vacancy. When changes affect five or more runs, the schedule shall be thrown open, and all motormen be allowed a choice. That in the programs adopted for Sundays and holidays there shall be an equal distribution of the work among all motormen assigned to regular runs. That all motormen putting in their bids for work on their Sundays off, shall have preference of runs according to seniority. Extra men shall have preference of work but not of runs.

ARTICLE XI. Any message sent by letter or telegraph notifying proper officials of sickness, reporting for duty, or asking to be excused from duty, that such telegram or letter shall receive proper attention. That any motorman over-sleeping shall report in person not later than 9 o'clock A. M. the same day.

ARTICLE XII. That no motorman be required to jump another, except to keep them in their places. That all motormen relieving another shall be allowed ten (10) minutes between reporting and relieving time.

ARTICLE XIII. That a working schedule shall be posted with all new schedules; it is understood that special holiday schedules do not include Saturdays or Sundays, unless Saturday should be a special holiday.

ARTICLE XIV. No motorman shall be discharged for serving on any committee, or shall be discharged or suspended for any cause whatever, without first having a fair and impartial hearing. If suspended he shall receive full time and pay for such suspension if exonerated from blame. That a committee representing the motormen shall be recognized in adjusting all grievances between the company and its motormen, and said committee will have the privilege of examining the minutes of investigation if so desired.

That is to say, if a motorman is aggrieved, he will have the right to have his grievance presented through the committee representing the organization of which he is a member. If the said committee fails to adjust the grievance, then the full committee, representing the motor power department, will be convened for the purpose of adjusting the said grievance.

ARTICLE XV. All motormen shall be kept on their regular runs as near as possible.

ARTICLE XVI. The company shall furnish sufficient extra motormen at all reporting and relieving points to insure motormen being relieved on schedule time, and to excuse regular motormen when they desire to lay off.

ARTICLE XVII. That all engineers hired from other roads as motormen shall receive \$3.25 per day for the first year, and \$3.50 per day thereafter.

ARTICLE XVIII. Motormen shall report to and receive their instructions from motor instructors. Motor instructors shall have full authority to place and excuse motormen.

ARTICLE XIX. Motormen shall have charge of and be responsible for designation signals.

ARTICLE XX. Motormen shall lay up trains.

ARTICLE XXI. The rates of pay and hours of duty are as follows:

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Motormen, promoted, \$3 per day of 10 hours or less, first six months; \$3.25 per day of 10 hours or less, second six months; \$3.50 per day of 10 hours or less after first year; 365 days running a motor to be considered one year.

Locomotive engineers employed from other railroads as motormen to receive \$3.25 per day of 10 hours or less for the first year, and \$3.50 per day of 10 hours or less thereafter.

The parties hereto will perform the several stipulations as provided herein. Nothing in this agreement shall be so construed as to conflict with the agreement entered into between the Interborough Rapid Transit Company and its conductors or trainmen, switchmen, towermen or any other employees who have an agreement with the said company.

This agreement will be in effect from and after September 8, 1904, to and including September 8, 1907; except that the Grand Chief Engineer of the Grand International Brotherhood of Locomotive Engineers only binds the international body or division thereof for the period of two years from the date thereof, unless the third year be ratified by said International Brotherhood of Locomotive Engineers.

It is also understood and agreed that as far as the signature of George E. Pepper, attached to this agreement as the representative of the Amalgamated Association of Street and Electric Railway Employees of America, Division No. 332, is concerned, it only binds the organization that he represents on the questions of hours and wages of motormen.

INTERBOROUGH RAPID TRANSIT COMPANY,

[SEAL]      By E. P. BRYAN, *Vice-President.*

Attest:

....., *Secretary.*

GRAND INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS,

By E. W. HURLEY, *Ass't Grand Chief Engineer,*

....., *Secretary.*

DIVISION 105 OF THE GRAND INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS,

By WILLIAM L. JENCKS, *Chief Engineer, Division No. 105.*

E. J. ROZELLE, *Acting Secretary.*

THE BROTHERHOOD OF LOCOMOTIVE FIREMEN,

By C. A. WILSON, *First Vice Grand Master.*

....., *Secretary.*

LODGE No. 155 OF THE BROTHERHOOD OF LOCOMOTIVE FIREMEN,

By HARRY B. PINNEY, *Chairman.*

EDWIN R. WELLS, *Secretary.*

AMALGAMATED ASSOCIATION OF STREET AND ELECTRIC RAILWAY EMPLOYEES OF AMERICA, MANHATTAN DIVISION No. 332,

By GEO. E. PEPPER, *President.*

....., *Secretary.*

## EMPLOYEES OTHER THAN MOTORMEN.

It is agreed that the employees of the Subway Division of the Interborough Rapid Transit Company shall consist of employees of the Manhattan Elevated Railway Division, in the following proportions:

Motormen.....	50 per cent
Conductors.....	50 per cent
Guards.....	50 per cent
Switchmen .....	50 per cent

provided that number apply for positions and qualify themselves for the same; and such other employees from the Manhattan Division as it is possible for this company to place in the subway.

The three elevated towers on the Subway Division will be equipped with men from the Manhattan Division, provided they can qualify. Other towermen on the Manhattan Division who can qualify for tower positions on the Subway Division will be given an opportunity to qualify as towermen in electrical pneumatic towers.

This understanding is intended to apply for the initial operation of the Subway Division, which will be from One Hundred and Forty-fifth street, east and west sides, to and including city hall. After this portion of the railroad is fully equipped with its operating force, future promotions in the subway are to be made from the ranks of men employed on the subway, provided they can qualify, and according to seniority; and, should the Subway Division business demand the employment of additional men, and they can not be obtained from the ranks of men employed on the Subway Division, on account of Subway Division men not qualifying, then such appointments and promotions will be made from men employed on the Manhattan Division, and Manhattan Division employees will be given opportunity to qualify for these positions in accordance with their seniority on the Manhattan Division.

It is understood that applications for positions in the subway will be reopened for all employees of the Manhattan Division, until and including September 12 at 5 P. M. Employees of the Manhattan Division now absent on vacations will be given an opportunity to make applications for these positions up to September 24th.

After the Manhattan Division men have filed their applications as above outlined, all applications which are received from Manhattan men will be passed on, and the men who are accepted and qualify for positions in the subway will be given the seniority they now have on the Manhattan Division when they first start work on the Subway Division, it being understood that the twelve motor instructors who have already been employed shall rank first on the seniority list for Subway Division. This to apply up to and including the formal opening of the subway.

Any employee who fails upon first examination will be given a second examination within six months, and if he passes the second examination he shall be given his certificate that he has qualified for the position he was examined for. Every employee will be required to pass an examination.

No conductor, guard, agent, gateman, platform man, switchman or towerman shall be discharged for serving on any committee, nor shall he be discharged for any cause, without first having a fair and impartial hearing. If suspended he shall receive full time and pay for such suspension if exonerated



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from blame. That a committee representing the above employees be recognized in adjusting all grievances between the company and its men.

It is understood and agreed by all parties that the rates of pay and hours of service on the Subway Division shall be as follows:

### Conductors—

\$2.10 per day of 10 hours, first year.

\$2.25 per day of 10 hours, second year.

\$2.40 per day of 10 hours, after second year.

### Guardsmen employed until January 1, 1905—

\$1.70 per day of 10 hours.

### Guards employed after January 1, 1905—

\$1.55 per day of 10 hours, first year.

\$1.70 per day of 10 hours, second year.

\$1.80 per day of 10 hours, after second year.

\$1.95 per day of 10 hours, after third year.

### Hand switchmen—

\$2.00 per day of 10 hours, first year.

\$2.35 per day of 10 hours, after first year.

### Towermen—

\$2.40 per day of 8 to 10 hours, first year.

\$2.50 per day of 8 to 10 hours, after first year.

### Agents—

\$1.75 per day of 12 hours, first year.

\$2.00 per day of 12 hours, after first year.

### Platform men—

\$1.75 per day of 12 hours.

### Gatemen—

\$1.40 per day of 12 hours, first year.

\$1.55 per day of 12 hours, after first year.

### Porters—

\$1.40 per day of 12 hours.

It is understood that the rates of pay and hours named herein are as a matter of information, for the opening of the subway, and are not a part of any contract herein made, or which may hereafter be taken up with the parties hereunto.

Dated New York, September 8, 1904.\*

### NEW YORK CITY TEAMSTERS.

[Of the three following agreements between team drivers and employers only the first—that of express drivers—involved a strike. This lasted from July 16 to 22, as stated in Table I, page 38.]

#### (23) Express Drivers and Helpers.

Section 1. The wages and hours of labor shall remain as at present.

§ 2. All overtime and supper money to be paid as usual.

§ 3. Members of Local Union No. 645, International Brotherhood of Teamsters, in good standing, are to be employed whenever available, or those who are willing to become members at the next regular meeting.

\*Signed by the same parties who signed the motormen's agreement, the Grand International Brotherhood of Locomotive Engineers and the Brotherhood of Locomotive Firemen excepted.

§ 4. Should any future difference arise between employer and employee which can not be adjusted by the representative of the local union and the employer, the same to be submitted to an arbitration board to consist of an equal number of representatives of employer and employees. Failing to agree, they shall select an umpire, whose decision on the questions in dispute shall be final and binding on both parties. No strike or lockout to take place pending such arbitration and decision.

§ 6. This agreement to be in full force and effect until July 29, 1905.

(Signed by general manager of the New York Transfer Company and the committee of Local Union No. 645.)

(24) Truck Drivers.

*This Agreement, Made this 24th Day of May, 1904, between the New York Truck Owners' Association, Acting by Thomas F. McCarthy, its President (a Member of the said Association is Hereinafter Designated the Truck Owner), Party of the First Part, and the International Brotherhood of Teamsters, Acting by Edward Gould, its Vice-President (a Member of the said Brotherhood is Hereinafter Designated the Driver), Party of the Second Part.*

WITNESSETH: That the truck owners shall pay weekly to drivers the following minimum wage scale: Drivers of wagons, \$11; drivers of single trucks, \$13, and drivers of double trucks, \$15; drivers of contract wagon, \$10; drivers of single contract trucks, \$11.

That the wages to be paid drivers of double contract trucks, and wagons, and three-quarter trucks shall be fixed by arbitration.

That the above wage scale shall apply to truck owners who do the trucking for individuals, firms and corporations whose places of business are situated within the following district, bounded as follows: By Twenty-third street on the north, Sixth avenue and West Broadway on the west, Thomas and Worth streets on the south, and Third avenue and the Bowery on the east.

That ten hours shall constitute a day's work, time to be taken when leaving stable and on return to same.

That the truck owners shall use their influence to dispense with overtime as much as possible, and that the subject of overtime shall be referred for adjustment to an arbitration board at the expiration of 30 days. In case a local lodge complains that a member is compelled to work an excess of overtime, such complaint shall be referred for adjustment to an arbitration board, as hereinafter provided.

That drivers shall not be required to report at stables on Sundays.

That no driver shall suffer a reduction in wages by this agreement.

That the truck owners shall not discriminate against a driver because of his membership in the International Brotherhood of Teamsters.

That there shall be no restriction or discrimination on the part of drivers as to the handling or trucking of any merchandise.

That there shall be no sympathetic strikes called during the term of this agreement.

That all goods shall be received from and delivered at the sidewalk.

That the wage scale shall go into effect on the 27th day of June, 1904.

That should any difference arise between a truck owner and a driver which can not be adjusted by the representatives of the association and the brother-

hood, the same shall be submitted to arbitration, and the arbitration board shall consist of an equal number of truck owners and drivers, and in case of a failure to agree they shall mutually select an umpire, whose decision in the matter shall be final and binding on both parties, and no lockout or strike shall take place pending the decision.

That this agreement shall continue in force from the date hereof until and including the 30th day of April, 1905.

In witness whereof, the parties to this agreement have signed the same the day and year first above written.

NEW YORK TRUCK OWNERS' ASSOCIATION,  
By THOMAS F. MCCARTHY, *President*.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,  
By EDWARD GOULD, *Vice-President*.

Witnessed by MARCUS M. MARKS, of the City Federation.

(25) Building Material Drivers.

*This Agreement, Made this 7th Day of July, 1904, by and between the Contractors' Protective Association, Represented by a Committee with Power by Virtue of a Resolution Passed at a Special Meeting Held July 5, 1904, and a Committee of Teamsters of the International Brotherhood of Teamsters, Appointed by their Joint Executive Committee of the City of New York, Witnesseth:*

FIRST. All drivers shall be required to help load their trucks in cellar work, and in case of crowding of teams at loading points, drivers must help their employers' trucks in order to break the jam.

SECOND. Drivers on single carts on excavating shall be paid \$2 per day.

Drivers on single trucks shall be paid \$13 per week. Drivers on cellar excavation trucks shall be paid \$2.25 per day. Drivers on sand, broken stone, brick or cement trucks shall be paid \$2.50 per day, but drivers on sand and broken stone trucks shall receive only \$2.25 per day until October 1, 1904, and on and after that date they shall receive \$2.50 per day. Drivers on three-horse trucks shall receive \$2.75 per day, and drivers on four-horse trucks shall receive \$3 per day. Drivers on three-horse hitch team shall be paid \$2.50 per day, but drivers now receiving more than this rate shall not be affected by this agreement.

THIRD. Drivers shall not be expected to put in more than twelve hours per day from time of reporting until time of leaving the stable. One hour shall be allowed the driver for dinner and the driver shall use a half hour morning and evening to care for his horses. The hours of work shall be adjusted to suit the business conditions of the employer.

FOURTH. Overtime shall be paid for at the rates stipulated in item 2, proportionately.

FIFTH. Drivers shall not be required to do stable work on Sundays. The foreman shall arrange the turn of the men and the time for the proper care of the horses on Sunday mornings and any driver failing to report in this turn shall have \$1 deducted from his next envelope, which sum shall be divided among the men who did report for duty on the Sunday in question.

SIXTH. If drivers are required to work on July 4th, Labor Day, Christmas or New Year's Day they shall be paid at the rate of time and a half.

SEVENTH. Preference shall be given in hiring new men to competent members of the International Brotherhood of Teamsters.

EIGHTH. Should any difference arise between employer and employee, which can not be adjusted by the employer and the representative of the International Brotherhood of Teamsters, the difference shall be arbitrated by a board consisting of an equal number of teamsters and members of the Contractors' Protective Association, and in case of failure to agree they shall mutually select an umpire, whose decision shall be final and binding in the matter on both parties. No lockout or strike shall be ordered pending this decision and no sympathetic strike shall be ordered by the International Brotherhood of Teamsters.

NINTH. This agreement shall be in force until June 1, 1905.

If no objection to the terms of this agreement is raised by either party prior to March 1, 1905, this agreement shall continue in force for another year after June 1, 1905.

Signed, sealed and delivered this 7th day of July, 1904.

A. MCPARKER,

EDW. J. GALWAY,

JOHN L. KEATING,

HUGH THOMAS,

PAT'K REDDY,

JAS. J. MOONEY,

*Contractors' Protective Association.*

EDWARD GOULD,

JAMES M. BRADY,

JOHN P. BRAHNIGAN,

MICH'L J. ROGAN,

GEO. W. PRESCOTT,

JOHN MARTIN,

*International Brotherhood of Teamsters.*

## TYPOGRAPHICAL TRADES.

### (26) GENERAL AGREEMENT IN THE LITHOGRAPHIC INDUSTRY.

[Terminating dispute of March 17-April 20, in New York City, Buffalo and Rochester, as described in Chap. III, pages 118-124.]

*This Agreement, Made and Entered into this 11th Day of April, 1904, by and between the Lithographers' Association, Party of the First Part, and the Central Lithographic Trades' Council, Party of the Second Part, Witnesseth:*

WHEREAS, The said party of the first part is composed of manufacturers engaged in the business of producing lithographs, and the party of the second part is a central committee, composed of representatives of the following labor organizations, to wit: The Poster Artists' Association of America; the Lithographers' International Protective and Beneficial Association of the United States and Canada; the Lithographic Artists, Engravers and Designers' League of America; the International Protective Association of Lithographic Apprentices and Press Feeders of the United States and Canada; the Lithographic Stone and Plate Preparers' Association of the United States and

Canada, and Local Union No. 119, Paper Cutters of New York and Vicinity, and authorized to act in the premises for and in behalf of the said organization; and,

WHEREAS, The establishments represented by the party of the first part are employers in the lithographic trade, and the organizations represented by the party of the second part are composed of employees of the same trade;

NOW, THEREFORE, In order to regulate the mutual relations of employers and employees in the said trade, to assure stability in the said trade, and to provide for a fair and peaceable adjustment of any and all controversies and disputes between the parties hereto, in their respective subordinate bodies and the individual members thereof during the term of this contract, the said parties hereto hereby agree to and with each other as follows:

Section 1. The party of the first part hereby agrees that from the date of the execution of this agreement the concerns it represents will employ in their respective establishments only members in good standing of the organizations represented by the party of the second part in the same manner as they have been doing between the 1st day of March, 1904, and the 10th day of March, 1904, excepting in departments where only non-members have been employed between the said 1st and 10th days of March, 1904, and excepting that in departments where both members and non-members have been employed between the 1st and 10th days of March, 1904, both may be employed only in the same proportion as existed between the 1st and 10th days of March, 1904.

Par. A. And it is further understood and agreed that the members of the Poster Artists' Association of America will not be required or permitted to do piece work on stone, zinc or aluminum.

Par. B. The party of the second part shall furnish promptly to the party of the first part efficient help when required, and if it shall not do so, non-members of the party of the second part sufficient to meet the requirements of the party of the first part may be temporarily employed, but such men shall be discharged when the party of the second part supplies efficient workmen.

Par. C. Paragraph "B" of article "1" shall not apply to the association known as "The Poster Artists' Association of America."

Par. D. Nothing in this agreement shall prevent the employment in any shop represented by the party of the first part of any man who shall have heretofore made an employment contract or agreement with any employer represented by the party of the first part or an individual agreement with the Lithographers' Association (East, West and Pacific), provided that such men shall only be employed in the branch of the trade for which they were engaged by or under such contracts or agreements, it being understood that no person has been engaged under contracts above referred to to do poster artists' work.

§ 2. The rate of wages to be paid to the employees, members of the organizations represented by the party of the second part, shall not be reduced, and the hours of labor which shall constitute a week's work for such employees during the term of this agreement and the daily apportionment of such hours shall be the same as have been in force in the establishments of the party of the first part between the 1st day of March, 1904, and the 10th day of March, 1904.

§ 3. Compensation for overtime and holiday work shall likewise be made in the same manner in which it has been made between the 1st day of March, 1904, and the said 10th day of March, 1904.

§ 4. Should any dispute or difference arise between any employer and employee who are subject to the terms of this agreement, on any question or point not specifically covered by the terms of this agreement, such differences and disputes shall be submitted to a joint committee for settlement within 15 days if possible, but within 30 days at most, the said joint committee to consist of an equal number of delegates, to be selected by the two respective parties hereto, and the majority of such committee shall decide. In the event of a failure on the part of the said committee to decide such differences or disputes, the same shall be submitted to a board of three arbitrators within 48 hours, if possible, but within four days at most; one of whom shall be selected by the party of the first part, one by the party of the second part, and one by the two arbitrators so selected, and the decision of a majority of such arbitrators shall be final and binding upon all parties to the controversy.

Par. A. Committees for the determination of local questions shall consist of three members appointed by the first party and three members appointed by the second party, but any decision of any local board may be appealed to the national board by either party, provided such appeal be taken within five days after such decision has been rendered. Committees for the determination of national questions shall consist of five members appointed by the first party and five members appointed by the second party.

Par. B. All decisions of committees and arbitrators shall be in writing.

Par. C. In the event of refusal or neglect on the part of any member of the association or organization respectively represented by the parties hereto to carry out any decision of the said joint committee or board of arbitration, both parties hereto shall cooperate and use their joint influence and power to secure compliance with such decision.

§ 5. And the said parties hereto further agree that as long as this agreement remains in force no strike shall be called by the said party of the second part or any of the organizations or subdivisions of the same, and no lockout shall be declared by the party of the first part.

§ 6. It is understood and agreed that on the adoption and ratification of this agreement by the associations parties hereto, that all journeymen employees who were such between the 1st and 10th days of March, 1904, members of the several associations parties of the second part, shall be re-employed as soon as the requirements of the business will warrant.

Par. A. It is expressly understood and agreed that in no case shall the party of the first part discriminate in any manner against the members of the various unions represented by the party of the second part or any men who came out in sympathy with the members of the party of the second part.

§ 7. The terms of this agreement shall not be binding upon any member of the party of the first part in his dealings with employees who are not members of the several associations comprising the party of the second part.

§ 8. Each party in executing this agreement represents and agrees that it has full authority to execute the same in behalf of all its individual members, and that all necessary steps have been taken to secure such authority.

§ 9. This agreement shall continue and remain operative and binding upon the parties hereto, and upon the said various associations, organizations and

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the individual members thereof, for and during the term of one year from its date. Three months prior to the termination of this agreement the parties hereto shall meet and determine whether an agreement shall be made for the ensuing year.

§ 10. The ratio as laid down in the respective constitutions of the several allied organizations comprising the party of the second part, which the number of apprentices has been bearing to the total number of journeymen employees in the various branches, between the 1st and 10th days of March, 1904, shall not be changed except in the case of the Lithographers' International Protective and Beneficial Association of the United States and Canada, which association agrees to increase the ratio now laid down in its constitution at its convention, to take place in July, 1904.

In witness whereof, the parties have caused this agreement to be signed by their respective representatives the day and year first above written.

Each of the undersigned, individually and as a representative of the parties hereto, does hereby give his personal approval of the draft of agreement adopted at the conference held between the 4th and 11th days of April, 1904, and does agree to make every effort, personally or otherwise, to secure the adoption of said agreement by the association or unions which he represents, on or before April 15, 1904. In the interim no party who is a party of the first part shall employ any additional workmen and no party who is a party of the second part shall induce or compel any workman to leave his present employment, nor shall either party hereto do any matter or thing that will in any wise tend to prejudice or affect the other party or to hinder or delay the ratification by the party of the second part of the agreement herein described.

### (27) BUFFALO COMPOSITORS

*[Scale of prices of Buffalo Typographical Union No. 9.]*

#### EVENING NEWSPAPERS.

Foremen.—The foreman shall receive not less than \$27 per week.

Assistant Foremen.—The assistant foreman shall receive not less than \$22 per week.

Hand compositors, operators, stone hands and proofreaders shall be paid at the rate of \$3.25 per day.

Hours.—Eight hours shall constitute a day's work, the hours to be between 7 A. M. and 6 P. M.

Overtime.—All overtime shall be paid for at the rate of 55 cents per hour; after 6 P. M. the morning newspaper overtime scale shall prevail. Overtime shall apply to all persons outside of the foreman.

Holidays.—Sundays and five legal holidays, namely: New Year's, Fourth of July, Labor Day, Thanksgiving and Christmas, \$4.87 per day.

Machinists.—The machinist shall receive not less than \$25 per week. A week to consist of six days of eight hours a day. Overtime shall be paid for at the rate of 65 cents an hour. Overtime to be governed by hours of the operator. Any office with a plant of five machines or over shall employ a permanent machinist.

Machinist-Operator.—Machinist-operators shall receive not less than \$23 a week of eight continuous hours per day; six days to constitute a week.

Beginners on machines shall receive not less than \$2.75 per day for the first three months.

#### MORNING NEWSPAPERS.

Foremen.—The foreman shall receive not less than \$30 per week.

Assistant Foremen.—The assistant foreman shall receive not less than \$25.50 per week.

Hand compositors, operators, stone hands and proofreaders shall be paid at the rate of \$3.75 per night.

Hours.—Eight hours shall constitute a night's work, the hours to be between 6 P. M. and 3 A. M.

Overtime.—All overtime shall be paid for at the rate of 62½ cents per hour. Overtime shall apply to all persons outside of the foreman.

Holidays.—Sundays (other than regular work on morning newspapers) shall be price and one-half.

Machinists.—The machinist shall receive not less than \$25 per week. A week to consist of six days of eight hours a day. Overtime shall be paid at the rate of 65 cents an hour. Overtime to be governed by the hours of the operator. Any office with a plant of five machines or over shall employ a permanent machinist.

Machinist-Operator.—Machinist-operators shall receive not less than \$25 a week of eight continuous hours per day; six days to constitute a week.

Beginners on machines shall receive not less than \$3.25 per day for the first three months.

Both morning and evening scale is in effect from October 31, 1903, to October 31, 1905.

#### HAND COMPOSITORS.

##### *Book and Job.*

The following is the scale of prices of book and job printers adopted by Typographical Union No. 9 and agreed to by the Typothetæ of Buffalo, to go into effect March 1, 1903, and which must be paid to all members of No. 9 on and after said date:

Hours.—Nine per day.

Wages per week beginning March 1, 1903.....	\$16 50
“ “ “ 1904.....	17 00
“ “ “ 1905.....	17 50
“ “ “ 1906.....	18 00

Overtime.—Price and one-half.

Sundays and five legal holidays, namely: New Year's, Fourth of July, Labor Day, Thanksgiving and Christmas, double time.

Piece Work.—Forty cents per 1,000 ems; matter to be leaded by compositors as appears in publication, except as to leading and spacing necessary in making up.

Piece Work (overtime and Sundays).—Sixty cents per 1,000 ems.

Apprentices.—The apportionment of apprentices in each office shall be as follows: One apprentice to five journeymen; two to ten; three to fifteen; and not more than three in any office. Any office employing less than five journeymen shall be entitled to one apprentice.



(28) NEW YORK CITY PHOTO-ENGRAVERS

*Newspaper Scale of Wages and Hours for All Members of New York Photo-Engravers' Union No. 1, I. P. E. U.*

Section 1. The hours of work for all men employed in newspaper offices, except as otherwise specified, shall be eight consecutive hours. For day men, between the hours of eight (8) A. M. and six (6) P. M.; for night men, between the hours of six (6) P. M. and six (6) A. M.

§ 2. When a third shift is employed, the hours of work shall be eight consecutive hours between the hours of eleven (11) P. M. and eight (8) A. M.

§ 3. Twenty minutes for lunch shall be allowed on day, night and third shift, the time for such to be designated by the foreman.

§ 4. We request that this clause, relating to the Levy acid blast machines, be temporarily left open, and that a committee of three be appointed, one member selected by the union, one member selected by the paper where such machine is operated, and a third member, who shall be sufficiently expert in matters of this kind to be of value, shall be selected by these two members. If a majority of this committee decide that the fumes from the acid blast machine are as represented, then there shall be seven hours instead of eight hours as a day's work for men working on the acid blast machine. If a majority of the committee decide that it is not more injurious than the open tubs, then the men on the acid blast machine shall work the same number of hours as the men on the open tubs.

§ 5. Six (6) days or nights shall constitute a week's work. All overtime shall be paid for at the rate of price and one-half.

§ 6. All time worked before the hours specified in sections 1 and 2 shall be paid for at overtime rates.

§ 7. No foreman shall ask and no chapel chairman shall allow any journeyman to work more than eleven (11) hours' overtime in any one week.

§ 8. A journeyman accumulating eleven (11) hours' overtime in any one week shall take a day off in the next financial week.

§ 9. The scale of wages for all day men shall be twenty-four (\$24) dollars per week; the scale of wages for all night men shall be twenty-seven (\$27) dollars per week. All men employed on the third shift forces shall receive the night scale.

§ 10. All foremen shall be card members of Photo-Engravers' Union No. 1, I. P. E. U., and shall not be subordinate or responsible to any one except the proprietor, editor-in-chief, business manager or the latter's representative.

§ 11. The scale of wages herein presented shall in no case affect men who are getting over the scale at the time of its adoption.

§ 12. No apprentices shall be allowed on newspapers in this jurisdiction.

ARBITRATION PROPOSITION.

After the present negotiations between the newspapers and Photo-Engravers' Union No. 1, I. P. E. U., are concluded and a contract arranged, an arbitration clause shall be added for the better adjustment of the future relations between the Photo-Engravers' Union and said newspapers, substantially as follows:

When any difference arises between Photo-Engravers' Union No. 1 and any newspaper, party to the aforesaid agreement, a conference shall be called at once between a representative or representatives of the union newspaper offices of this city and a representative or representatives of Photo-Engravers' Union No. 1, I. P. E. U., for the purpose of adjusting that difference.

In the instance of a failure to reach an adjustment in this way, then the matter shall be submitted to an arbitration committee of three, one member of said committee being selected by said newspaper offices and one member by Photo-Engravers' Union No. 1, I. P. E. U., these two members to mutually agree upon a third member, the decision of a majority of this committee to bind both parties.

NEW YORK, N. Y., July 5, 1904.

It is hereby mutually agreed between the Publishers' Association of New York City and Photo-Engravers' Union No. 1, I. P. E. U., that the foregoing scale of wages and hours, and the arbitration proposition appended, shall be in effect on and after this date, July 5, 1904, for all members of Photo-Engravers' Union No. 1, I. P. E. U., employed by the.....  
.....for at least one (1) year from the aforesaid date.

It is further agreed between the aforesaid contracting parties that should either party to this agreement desire any change or changes in said scale of wages or hours, after the expiration of one (1) year, notice must be given by the party desiring the change at least sixty (60) days prior to such contemplated change or changes.

#### (29) YONKERS COMPOSITORS

*[Scale of prices fixed by Yonkers Local No. 468, International Typographical Union for two years from the 1st of February, 1904.]*

Eight and one-half hours shall constitute a day's work, with the exception of Saturday, which shall be eight hours, for the year 1904, and forty-eight hours shall constitute a week's work for the second year, commencing February 1, 1905.

#### MACHINE SCALE.

Section 1. Under this heading is included the production of all kinds of typesetting or typesetting machines.

§ 2. The scale is made on a six-day basis. When hand composition is employed in conjunction with machines, the standard of type used shall be as provided for by the International Typographical Union.

§ 3. In newspaper offices where typesetting or typesetting machines are used, none but members of Yonkers Typographical Union No. 468, in good standing, shall be employed as foreman, assistant foreman, machinist, machine operators or compositors.

§ 4. Machinist-operators who take care of their machines shall receive \$18.00 per week of 50½ hours, for the year of 1904, and 48 hours for the second year of 1905. All overtime shall be paid at the rate of time and one-half up to 12 o'clock midnight, and double time thereafter. Operators working at night shall receive \$3.00 per night of 7½ hours for the year of 1904, and 7 hours for the year of 1905. All overtime shall be paid for at time and one-half.

§ 5. Machine operators on afternoon and weekly papers shall receive not less than \$15 per week of 50½ hours, for the year of 1904, and 48 hours for the second year of 1905, exclusive of lunch time. All overtime shall be paid at the rate of time and one-half up to 12 o'clock midnight, and double time thereafter.

§ 6. Double price shall be paid for all work done on Sundays and holidays, except for the regular publication of a newspaper.

§ 7. Beginners on machines shall receive \$8 per week for a period of eight weeks, and \$12 per week for a period of four weeks. Ninety days being deemed sufficient for an operator to become competent to receive journey-men's wages.

#### HAND COMPOSITION.

Section 1. Foremen of composing rooms shall receive not less than \$18.00 per week of 50½ hours, for the year 1904, and 48 hours for the second year of 1905. All overtime to be paid for at the rate of time and one-half up to 12 o'clock midnight, and double time thereafter.

§ 2. Compositors shall receive not less than \$15 per week of 50½ hours for the year of 1904, and 48 hours for the second year of 1905. All overtime shall be paid for at the rate of time and one-half up to 12 o'clock midnight, and double time thereafter.

§ 3. Double price shall be paid for all work done on Sundays and holidays.

R. B. HOTCHKIN,  
J. M. O'BRIEN,  
GEO. H. ALLAN,  
FRANK J. LA PIERRE,  
*Committee.*

#### FOOD AND LIQUORS.

##### (30) AUBURN BREWERY WORKMEN

[*Brewery Employees' Union No. 11, Syracuse, N. Y., and Branch 1, Auburn, N. Y.*]

The Brewery Employees' Union, which is sanctioned by the Trades and Labor Assembly as well as the International Union, places following conditions:

#### ARTICLE I.

1. All brewery employees, including assistant foreman and night watchman, must belong to the union, members of Local No. 11 and Auburn Branch No. 1 to have the preference. An employee shall have the right to change his situation.

2. Should an employee be unable to work on account of sickness, he shall be entitled to his former position when he regains his health.

#### ARTICLE II.

1. With the exception of the men at the kettle, parties of the second part shall work from 6.30 A. M. until 5 P. M. each day, except that they shall be allowed one-half hour in the forenoon for lunch and one hour at noon for dinner, which time shall constitute a day's labor, and six days shall constitute a week's work. For two months during the dull season in winter five working days shall constitute a week's work, with five days pay; so that during said two months all hands lay off one day each week, which day shall be fixed by the brewers. Should any work be required on that particular day, the men employed in the brewery can be called in to perform the work on that day at the common wage rates. Overtime work during above mentioned dull season shall not be allowed. No employee shall be laid off an entire year.

2. The working hours for night watchmen are from 6 P. M. until 6 A. M. Each night watchman shall be entitled to a one week's (seven days) vacation with full pay; the vacation may be taken at any time during the year.

3. All weekly overtime must be paid at thirty-five cents per hour, and Sunday work at seventy cents per hour.

4. The following days shall be considered legal holidays, viz: New Year's Day, Decoration Day, Fourth of July and Thanksgiving Day, on which days they shall work one-half day and receive a full day's pay. No work shall be performed on Christmas Day, but shall receive full pay. Work shall be done on Labor Day from 4 A. M. to 7 A. M. if required by the brewers, and in that case a full day's pay shall be allowed.

5. No member of a committee executing orders in the interest of the union is to suffer on account of the discharge of his duties as such.

6. Refusal to work shall be a cause for dismissal.

### ARTICLE III.

1. The scale of wages shall be as follows: For the employees in wash-house and night watchmen fourteen (\$14.00) per week. Wash-house boss and all employees at the kettle, fermenting room, cellar and haspulant, sixteen dollars (\$16.00) per week. Overseers at the kettle, fermenting room and cellar shall not receive less than eighteen dollars (\$18.00) per week, no matter whether only one man be there employed. Overseers' wages for Sunday work shall be paid according to contract.

2. When ten (10) or more workmen are employed, an apprentice may be engaged, providing, however, that no members of Local No. 11 or Auburn Branch No. 1 be out of employment; the same shall not be less than seventeen or more than twenty-one years of age. The wages of the same shall be ten dollars (\$10.00) for the first year and twelve dollars (\$12.00) for the second year.

3. The wages shall be paid weekly, and beer be served free of cost as heretofore.

### ARTICLE IV.

1. All these stipulations to go into effect as soon as signed, dating from May 1, 1903, and shall remain in force for two (2) years.

Signed,

G. A. KOENIG & COMPANY.

INDEPENDENT BREWING COMPANY,

By E. T. KELLEY, *President.*

COLD SPRINGS BREWERY.

Indorsed by the Local Executive Board of Auburn and Syracuse.

Indorsed by the Central Trades and Labor Assembly of Auburn, J. L. Jaquin, President; J. H. Anderson, Secretary.

Indorsed by the International Executive Board.

### (31) MIDDLETOWN BAKERS

It is hereby agreed that the party of the first part will at all times employ only members of the Bakers and Confectioners' International Union of America, who are in good and regular standing, if satisfactory.

It is further agreed between both parties that bread and cake foremen of shops shall receive not less than \$15, second hands not less than \$12, third hands not less than \$10 per week.

There shall be only one apprentice allowed to each shop, for each shift.

Employees shall work day time, bread bakers to commence Sunday morning and complete their work by Friday night. Cake bakers to commence Monday morning and complete their work Saturday night. No employee shall work more than six days in one week, and ten hours to constitute a day's work, if the goods can be turned out in that time and in a satisfactory manner.

Overtime shall be paid for at 30 cents per hour for each man, or pro rata.

No men shall be allowed to work July 4th, Labor Day, Thanksgiving, Christmas and New Year, working the night before instead.

The members of this union hereby promise to do all in their power for the success of their employers' business, and will furnish, if requested, first-class help.

Labels will be furnished by the union at ten cents per thousand, and shall be used on all bread in every shop.

In case of non-compliance with above agreement or rules, the union reserves the right to withdraw the labels.

This contract shall remain good to April 30, 1905.

(Signed by numerous employing bakers early in April, 1904.)

### (32) PORT JERVIS BAKERS

*Agreement between Employer.....and the Journey-men Bakers and Confectionery Workers' International Union No. 335.*

FIRST. Acknowledgment of the union, that is, to employ only members in good standing, and procure them from the above organization.

SECOND. No journeyman shall room or board with the employer.

THIRD. No employer shall reduce the now prevailing scale of wages, as follows: Foremen not less than \$15.00, second hand not less than \$12.00, third hand not less than \$10.00.

FOURTH. If the above rules are adhered to, then Union No. 335 agrees that every loaf of bread will have the label of the Bakers and Confectioners' organization attached, the cost is ten cents per thousand. Combination labels, that is, labels with name and address of the employer, may also be had, but the cost of which must be paid in advance.

FIFTH. The union in return agrees to furnish the employer always with first-class workmen.

SIXTH. The business agent shall have permission to visit the respective shop at any time.

SEVENTH. No baker shall work Labor Day or Christmas.

EIGHTH. All union men shall be paid for overtime.

NINTH. This contract shall be in force from March 1, 1904, until March 1, 1905.

Employer.....

Bakers' Union No. 335.....Business Agent.

PORT JERVIS, N. Y., ..... , 190 .

## (33) ROCHESTER BREWERY EMPLOYEES

[For two years the conditions of employment in the brewing industry of Rochester have been regulated by agreements between nine brewing companies and the four unions of brewery workmen, which were signed on April 12, 1902. These expired on April 1 of this year; but on that day negotiations for new contracts were finally concluded and on the following day articles of agreement fixing terms for the three years to April 1, 1907, were signed. Separate agreements were made by the companies with each of the five organizations which now represent the workers in the industry in Rochester including locals Nos. 74 (inside men), 156 (peddlers, teamsters and helpers), and 170 (bottlers) of the United Brewery Workmen, No. 71 of the International Union of Steam Engineers and No. 37 of the International Brotherhood of Stationary Firemen. The new agreements provide for numerous advances in wages and other improvements, which were pointed out in the Bulletin of the Department of Labor, June, 1904.]

## BREWERS AND MALTSTERS.

*Agreement made this 1st day of April, 1904, between the Bartholomay Brewery Co., the American Brewing Co., Genesee Brewing Co., Flower City Brewing Co., Monroe Brewing Co., Hathaway & Gordon Brewing Co., Enright Brewing Co., Burton Brewing Co., and the Standard Brewing Co., all of the City of Rochester, Monroe County, New York, parties of the first part, and Local Union No. 74 of the United Brewery Workmen of America, party of the second part:*

WITNESSETH: That they agree as follows:

Article 1. Members of Local Union No. 74 of the International Union of America only shall be employed to do work in the brewery plants.

Article 2. Members of Local Union No. 74 shall not be discharged by the brewmaster or foreman without good reasons and not finally discharged until a representative of the union shall have had time to investigate. The employee shall be entitled to a hearing before the manager of the brewery, if he so desires. The decision of such manager shall be final.

Article 3. In case of sickness, every man shall be entitled to his former position upon recovery, provided his illness does not last longer than six (6) months.

Article 4. Nine (9) consecutive hours, interrupted by one hour for dinner and fifteen minutes for lunch in the forenoon shall constitute a day's work. Working hours to be from 7 o'clock A. M. to 5 o'clock P. M., with the exception of the men at the kettle. Necessary work on Sundays and all overtime work shall be paid at the rate of thirty-five (35) cents per hour. Maltsters shall have one day off every two weeks and half a day's pay for such day off.

Article 5. Christmas, New Year, Fourth of July and Labor Day shall be considered legal holidays; no work to be done on these days, but wages to be paid in full. Election Day shall be considered a half holiday and full compensation shall be given for this day.

Article 6. Beer shall be furnished employees gratis during working hours in such quantities as provided by the manager.

One apprentice shall be allowed for each fifty men; he shall not be less than sixteen and not more than twenty years of age and shall work as such for two years and be instructed in all branches of the trade, and shall become a member of the union at the expiration of his apprenticeship.

Overtime must be paid at the rate of thirty-five cents per hour. No overtime to be taken out of regular hours. Present wages shall not be reduced.

Article 7. In case of absence of the first help, the man who takes his place shall receive the same pay as first help, provided he is competent. No brew-

master shall be permitted to take the place of a workman, except in case of emergency.

Article 8. This agreement shall remain in force from April 1, 1904, to April 1, 1907.

Article 9. The brewery firms of Rochester may use the label of the International Union of United Brewery Workmen of America.

Article 10. Repairs of the brewery shall be done by members of the American Federation of Labor only. No workmen shall be employed upon the recommendation of a saloonkeeper.

Article 11. The first help of each department shall receive \$18.50 per week; this includes all breweries. Workmen in the cellars, kettle room, fermenting room, schrothmiller and elevatormen shall not receive less than \$15.50 per week. Workmen in the wash-house and ice-manufacturing room shall not receive less than \$14.00 per week; night watchmen shall receive \$14.00 per week and have one night off each month. Apprentices shall receive \$9.00 per week. Maltsters shall receive \$14.50 per week.

During the months of December, January, February and March all employees shall lay off one day each week, that day to be designated by the party of the first part; no wages to be paid for that day. Should any work be required, men in the brewery shall be called on alternately to do such work at regular wage rates.

In case any of the parties hereto shall desire a continuation of this agreement for another term after its expiration or desire a change in this agreement for such period, they shall serve upon the other parties a written notice specifying such proposed changes at least two weeks before the expiration of this agreement.

In witness whereof, the parties have set their hands, the day and year first above unto written.

Indorsed by the International Executive Board of the United Brewery Workmen of America.

Indorsed by the Local Executive Board of Rochester, N. Y.

CHAS. F. BECHTOLD, *Secretary.*

JAMES MALLEY, *Secretary,*  
H. D. HATHAWAY, *President,*  
*Brewers' Exchange.*

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#### BEER DRIVERS.

*Agreement made this 4th day of April, 1904, between the undersigned Rochester Breweries, parties of the first part, and Local Union No 156 of the International Union of the United Brewery Workmen of America, parties of the second part:*

Article 1. Members of Local Union No. 156 of the International Union of the United Brewery Workmen of America, only shall be employed to work in the brewery plants or transportation departments of the above named breweries and agencies.

Article 2. Members of Local Union No. 156 shall not be discharged by the brewmaster or stable boss without good reasons and not finally discharged until a representative of the union shall have had time to investigate; the employee shall be entitled to a hearing before the manager if he so desires and the decision of such manager shall be final.

Article 3. No workman shall be employed upon the recommendation of a saloonkeeper.

Article 4. In case of sickness, every man shall be entitled to his former position upon recovery, provided his illness does not last longer than six (6) months.

Article 5. Peddlers, helpers, freight teamsters, expressmen and bottle-beer peddlers shall work nine hours per day, only interrupted by one hour for dinner; peddlers and helpers to finish their regular routes. Overtime to be paid at the rate of thirty-five (35) cents per hour. No man shall deliver caaks or barrels alone within the city limits.

Article 6. Six (6) days shall constitute a week's work. Peddlers, helpers, teamsters and expressmen shall at all times, including Sundays and holidays, clean their wagons and horses, harnesses and keep them in proper condition. Where no barn men are employed, the peddlers and helpers to do the barn work at all times.

Article 7. Wages shall be paid weekly.

Article 8. The following wages shall be paid: To peddlers, not less than \$17.00 per week; to helpers, teamsters and expressmen, not less than \$14.00 per week; barnmen, \$15.00 per week; bottle-beer peddlers, \$15.00. Three-horse drivers shall receive \$16.00 per week. No barnmen shall deliver beer, except in case of urgent necessity.

Article 9. New Year, Fourth of July, Labor Day and Christmas shall be full holidays and shall not be deducted from wages. When holidays fall on Saturday or Monday they shall be half holidays, except New Year and Christmas. If work is done on those days, it shall be paid as overtime. Election Day shall be half holiday without deduction from wages.

Article 10. No present wages shall be reduced.

Article 11. This agreement shall take effect April 4, 1904, and remain in force until April 1, 1907.

Article 12. In case any of the parties hereto desire a continuation of this agreement or desire a change in the terms of this agreement for such period, they shall serve upon the other parties a written notice specifying such proposed change at least two weeks before the expiration of this agreement.

Indorsed by the International Executive Board of the United Brewery Workers of America.

Indorsed by the Local Executive Board of Rochester, N. Y.

CHAS. F. BECHTOLD, *Secretary.*

H. D. HATHAWAY, *President,*

JAMES MALLEY, *Secretary,*

*Brewers' Exchange.*

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BOTTLERS.

*Agreement made this 1st day of April, 1904, between the undersigned Brewery Proprietors of Rochester, N. Y., party of the first part, and Local Union No. 170 of the International Union of the United Brewery Workmen of America.*

Article 1. None but members of Local Union No. 170 shall be employed in the bottling establishments of the above named breweries. Each firm employing one union man shall be entitled to one boy over sixteen (16) years of age and one boy for each two additional therein employed.



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Article 2. Members of Local Union No. 170 shall not be discharged by brewmaster or foreman without good reason and not finally discharged until a representative of the union shall have had time to investigate. The employee shall be entitled to a hearing before the manager of the brewery if he so desires. The decision of such manager shall be final.

Article 3. In case of sickness every man shall be entitled to his former position upon recovery, provided his illness does not last longer than six (6) months.

Article 4. Nine (9) consecutive hours, interrupted only by one hour for dinner and fifteen minutes for lunch in the forenoon, shall constitute a day's work. Working hours to be from 7 o'clock A. M. to 5 o'clock P. M.

Article 5. Christmas, New Year, Fourth of July and Labor Day shall be considered legal holidays; no work to be done on these days but wages to be paid in full. Election Day shall be considered a half holiday and wages to be paid in full for this day.

Article 6. This agreement shall remain in force from April 1, 1904, to April 1, 1907.

Article 7. No workman shall be employed upon the recommendation of a saloonkeeper or customer.

Article 8. All members of Local Union No. 170 shall receive not less than \$10.00 per week; overtime at the rate of time and one-half. Present higher wages not to be reduced.

Indorsed by the International Executive Board of the United Brewery Workmen of America.

Indorsed by the Local Executive Board of Rochester, N. Y.

CHAS. F. BECHTOLD, *Secretary.*

H. D. HATHAWAY, *President,*

JAMES MALLEY, *Secretary,*

*Brewers' Exchange.*

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### ENGINEERS.

*Agreement made this 1st day of April, 1904, between the Bartholomay Brewery Co., the American Brewing Co., Genesee Brewing Co., Flower City Brewing Co., Monroe Brewing Co., Hathaway & Gordon Brewing Co., Enright Brewing Co., Burton Brewing Co., and the Standard Brewing Co., all of the City of Rochester, Monroe County, New York, parties of the first part, and Local Union No. 71 of the International Union of Steam Engineers, party of the second part:*

Article 1. Only members of Local Union No. 71 of the I. U. S. E. shall be employed to do the work in the brewery plants as engineers.

Article 2. Members of Local Union No. 71 shall not be discharged by the brewmaster or chief engineer without good reasons and not finally discharged until a representative of the union shall have had time to investigate. The employee shall be entitled to a hearing before the manager of the brewery, if he so desires. The decision of such manager shall be final.

Article 3. In case of sickness, every man shall be entitled to his former position upon recovery, provided his illness does not last longer than six (6) months.

Article 4. Eight hours shall constitute a day's work, and seven days a week's work.

Engineers shall receive \$17.50 per week. All overtime to be paid for at the rate of time and one-half. Wages to be paid weekly. Any engineer's position now paying more than the scale mentioned in this agreement, shall not be reduced.

Article 5. In case of vacancies the oldest man employed shall have the preference, provided he is capable of filling the position.

Engineers wishing to lay off a day may do so, providing they furnish a man in their place satisfactory to the employer. Engineers shall not do firemen's work, nor shall firemen do engineers' work, except in case of sickness or emergency.

Article 6. Christmas, New Year, Fourth of July and Labor Day no work shall be done, but shall receive full compensation. Election Day work shall be done one-half day only, but full compensation shall be given. If any work is done on the above named days, double time shall be paid.

Article 7. No workman shall be employed upon the recommendation of a saloonkeeper. No person employed in the brewery shall be allowed to handle any engine, except the engineer belonging to Local Union No. 71.

Article 8. This agreement shall take effect April 1, 1904, and remain in force until April 1, 1907.

In case any of the parties hereto shall desire a continuation of this agreement for another term after its expiration or desire a change in this agreement for such period, they shall serve upon the other parties a written notice specifying such proposed changes at least two weeks before the expiration of this agreement.

*For Local Union No. 71:*

GEO. E. STREEVING, B. A.

H. D. HATHAWAY, *President*,  
JAMES MALLEY, *Secretary*,  
*Brewers' Exchange.*

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#### FIREMEN.

*Agreement entered into this 1st day of April, 1904, between the Bartholomay Brewery Co., the Genesee Brewing Co., Standard Brewing Co., American Brewing Co., Monroe Brewing Co., and the Flower City Brewing Co., of Rochester, N. Y., and the International Brotherhood of Stationary Firemen, Local Union No. 37, of Rochester, N. Y.*

Article 1. Eight hours shall constitute a day's work.

Article 2. Firemen, oilers and boiler washers shall receive at the rate of \$14.50 per week. Seven days shall constitute a week's work. All overtime to be paid at the rate of time and one-half. In the Bartholomay Brewery there shall be at least two firemen on duty at all times.

Article 3. A fireman's duty shall be the generation of steam in the boiler or boilers in the plant where he is employed. Assistance shall be given to the firemen when necessary to clean back connections. During the eight-hour watch he shall not be asked to do any work other than pertaining to the work of the boiler-room.

Article 4. When vacancies occur members of Local No. 37 shall be employed to fill such vacancies.

Article 5. Members of Local No. 37 shall not be discharged by the brewery-master, foreman or chief engineer without good reasons and not finally dis-

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charged until a representative of the union shall have had time to investigate. The employee shall be entitled to a hearing before the manager of the brewery if he so desires. The decision of such manager shall be final.

Article 6. In case of lay-off the men shall be laid off in their turn. The last man on—the first laid off.

Article 7. Christmas, New Year, Fourth of July and Labor Day there shall be no work done, but they shall receive full pay. On Election Day work shall be done one-half day only, but they shall receive a full day's pay. If there is any work done on the above-named days, double time shall be paid.

This agreement shall take effect the 1st day of April, 1904, and remain in force until April 1, 1907.

In case any of the parties hereto desire a continuation of this agreement for another term after the expiration or desire a change in this agreement for such a period, they shall serve upon the other parties a written notice specifying such proposed change at least two weeks before the expiration of this agreement.

In witness whereof, the parties have set their hands the day and year above unto written.

*For Local Union No. 37, International*

*Brotherhood of Stationary Firemen:*

**W. E. WHITE, President.**

**G. ENNIS, Secretary.**

**H. D. HATHAWAY, President,**

**JAMES MALLEY, Secretary,**

**Brewers' Exchange.**

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### INTER-UNION AGREEMENT

*Between the Engineers' Local Union No. 71 and the Brotherhood of Stationary Firemen Local Union No. 37 and the Brewery Workmen of Rochester, N. Y.*

Be it agreed, that if the executive board of the American Federation of Labor in its coming session in Denver, Colorado, insists upon the enforcement of the decision that brewery firemen and engineers should be under the jurisdiction of the Stationary Engineers and Firemen, then the Brewery Workers of Rochester, N. Y., will let the brewery engineers and firemen transfer to said unions (under protest), provided the Stationary Engineers and Firemen agree:

1. That all engineers and firemen, now members of Local Union No. 155, be admitted into membership in the Engineers' and Firemen's Unions of this city without charge or prejudice.

2. That when engineers' and firemen's vacancies occur in the brewery plants of Rochester, members of Local Union No. 155 shall have the first chance to fill such vacancies. Brewery firemen who can do engineers' work and can secure license, shall have preference for engineers' positions in breweries.

3. In forming the joint conference board between Brewery Workers' Unions and the Stationary Engineers and Firemen's Unions, the respective delegation of the engineers' and firemen's unions be selected from the engineers and firemen who were members of Local Union No. 155 of the Brewery Workers at the time of the transfer.

4. The Brewery Workers' Union and the Engineers' and Firemen's Unions herewith agree, that in case of trouble in any of the brewery plants, the three

organizations will act jointly, through the conference board, and if necessary will call general or shop strikes to enforce their rights.

5. In winter time or dull seasons, the engineers and firemen guarantee these members of Local Union No. 155 who may be laid off work in such positions as they control.

6. Further agreed, that in the future they will grant the brewery engineers and firemen the right to make up their agreement and put it into operation under the supervision of Local Unions Nos. 71 and 37 of the joint conference board.

For Local Union No. 71 Stationary Engineers:

JOHN P. MALLODY, *Chairman of Ex. Board*,  
W. B. BEATTY,  
E. CRANE,  
E. STREEVING, *Secretary*.

For Local Union No. 37 Stationary Firemen:

W. E. WHITE, *President*,  
JOHN ASHTON, *Treasurer*,  
JOHN DALY, *Rec. Secretary*.

For Local Unions Nos. 74, 155, 156, 170, Brewery Workmen:

CHAS. F. BECHTOLD, L. U. 74,  
A. E. THURSTON, L. U. 155,  
H. RIEFLIN, L. U. 156,  
F. N. MESSMER, L. U. 170,  
GEO. SMITH, *President of L. U. 155*.

### MISCELLANEOUS TRADES.

#### (34) NEW YORK CITY CLIP SORTERS.

[Terminating dispute of September 21–October 22, described in Table I, page 26.]

OFFICE OF THE CENTRAL FEDERATED UNION,  
184 ELDRIDGE STREET, NEW YORK, October 21, 1903.

*Agreement entered into between Messrs. Steinberg Bros., of Nos. 3 and 5 First street, and the Clip Sorters' Union No. 1, both of New York.*

Messrs. Steinberg Bros. hereby agree to hereafter employ only members of the Clip Sorters' Union who can show a union card in good standing with said union.

Messrs. Steinberg Bros. do further agree, that the hours of labor per week shall be fifty-nine, as follows: from 7 o'clock A. M. to 12 noon, and from 12.30 P. M. to 5.30 P. M.

Messrs. Steinberg Bros. agree to re-employ 20 girls and 1 man as per the list at present, and to re-employ all the old hands as their business increases.

Messrs. Steinberg Bros. will allot five minutes time to wash up, and more time for this purpose to be determined by the firm.

The foreman shall not be a member of the union.

The Clip Sorters' Union hereby agrees that if a member employed in this shop shall not perform his or her duties properly, then the employer shall have a right to discharge the same.

It is hereby mutually agreed by both parties to this agreement, that all grievances arising shall be referred to a board of arbitration consisting of two

of the employers, two of the employees and a committee of the Central Federated Union and United Hebrew Trades.

This agreement to remain in operation for one year from date, up to October 24, 1904.

For the firm:

STEINBERG BROS.

For the Clip Sorters' Union:

H. SHRIER, *President*

A. C. LIPPMAN, *Sec. U. H. T.*

Witnesses:

ERNEST BOHM, *Cor. Sec. C. F. U.*

WILLIAM H. GRAVEN, *Delegate.*

(35) NEW YORK CITY COAT MAKERS.]

*Articles of Agreement, made and entered into this            day of            , 1904, by and between            part    of the first part, by            their representative and attorney in fact, parties of the second part, and the Brotherhood of Tailors' Union, Local No. 55, of the United Garment Workers of America, a duly organized voluntary association, party of the third part, all of the said parties being of the Borough of Brooklyn, City and State of New York.*

Whereas, the part of the first part carrying on and conducting the business of tailoring and making up men's coats, and it being greatly beneficial for the said part of the first part to employ the parties of the second part, and,

Whereas, the parties of the second part possess great skill and ability in the art of making said coats, and,

Whereas, the party of the third part is an association duly organized by the parties of the second part for the protection of their rights and interest in and about the carrying on the aforesaid work, and desire to work only with those who are affiliated with the party of the third part, and further desire to be guided and regulated by the rules and regulations of the said party of the third part, of which association they are all members,

Now Witnesseth, That in consideration of the sum of one dollar, lawful money of the United States of America, by each party to the other in hand paid, the receipt whereof is hereby acknowledged, and their several promises by each party with the other mutually interchanged, and in consideration of these promises, it is hereby mutually covenanted and agreed by the parties hereto as follows:

I. That the party of the first part to employ the parties of the second part as operators, basters, finishers, pressers, fitters, bushelers and button-hole makers, each in his own capacity, and for no other work than that he was engaged for, in            shop or shops situated at No.            street, Borough of Brooklyn, City of New York, for the period of one (1) year from the date of these presents at the salary and remuneration as hereinafter set forth.

II. That the system of work in and about the said business shall consist of that known as week work only, and that the employees are to be engaged to work by the week only.

III. That the total number of hours which shall make up and compose a week's work shall not exceed 56 in number in any one week, which shall be

divided as follows: For the first five days at nine and one-half ( $9\frac{1}{2}$ ) hours per day, and on the last working day of the week, eight and one-half ( $8\frac{1}{2}$ ) hours. Under no circumstance shall work be carried on by the parties of the first and second part at any other hours than herein specified, without a written consent of the party of the third part, executed by its duly authorized officer, and under no consideration shall overtime be allowed on the last day of the week. When any work shall be carried on at any other hours than hereinabove specified with the aforementioned consent, it shall be paid for and counted as one and one-half time. The hours of labor for any working day shall not begin earlier than 7 o'clock in the forenoon, and the day's labor to end not later than half-past five (5.30) in the afternoon, excepting the last working day of the week, when the day's labor shall end not later than half past four (4.30) o'clock in the afternoon. The said last day's work shall not exceed eight and one-half hours ( $8\frac{1}{2}$ ). During the hour from 12 noon to 1 o'clock in the afternoon of each and every day, no work shall be carried on, the same to be devoted for recess.

IV. That the wages of each and every week's work shall be paid to the employees on the last working day of the week, and not later than 4.30 o'clock in the afternoon of that day. The week's work to begin according to the consent of the parties of the first and second part.

V. That the part of the first part shall not employ any help whatsoever other than those belonging to and who are members of the party of the third part, and in good standing, and who conform to the rules and regulations of the said party of the third part, and the said part of the first part shall cease to employ any one and all those employees who are not in good standing, and who do not conform to and comply with the rules and regulations of said party of the third part, upon being notified to that effect by its duly credentialed representatives. The part of the first part hereby agrees to abide by the rules and regulations of the party of the third part, as known in the trade, and to permit and allow representatives of said party of the third part to enter shop or shops at any and all hours of the day and night, for the purpose of inspection and enforcement of the terms of this contract, as well as all the rules and regulations herein referred to. That the part of the first part shall not engage any help whatsoever, even those who are members of the party of the third part, without their first having produced a pass card duly executed and signed by the authorized business agent of the party of the third part, said card to show that the bearer thereof is a member in good standing of the party of the third part, and that he has complied with the rules and regulations thereof in force at that time. In the event of the part of the first part removing shop or shops, must notify the party of the third part within three days after such removal, the place, where moved to.

VI. The part of the first part shall not employ more than one helper to every two operators, or one helper to two basters, and under no consideration to employ any apprentices.

VII. That the parties of the second part are to devote all their time, attention, skill and diligence to the performance of the work hereinbefore described, during the hours hereinabove stated for the entire period of this agreement, and to accept the remuneration hereinafter mentioned. Also not to employ any apprentices, and to abide by the rules and regulations of the party of the

third part. In the event of any one of the parties of the second part not remaining and continuing during the entire period of this contract in good standing, or does not in all respects conform with the rules and regulations of the party of the third part, that then the part of the first part shall cease to employ such employee whoever he may be, and that such employee who so violates the rules and regulations of the party of the third part, or any one of them, hereby waives all rights, claims and benefits under this contract, and that such violations of the agreement on the part of any of the parties of the second part shall in no way affect the validity of this agreement, which shall continue in full effect and force, as to the remaining parties hereof.

VIII. That the party of the third part is to furnish any and all help that it may have on its application books, which books it is to keep for the benefit of the parties of the first and the second part, and that it is to furnish to the part of the first part any and all help whenever so requested, without charging any fees or receiving any remuneration for such services, nor is to charge any fee or accept any remuneration or fee for like services from the parties of the second part.

IX. That the parties of the second part may quit work during a so-called "sympathy strike," providing no new demands are made by them; such quitting of work on their part shall in no way affect the validity of this agreement or suspend its operation.

X. The following is the minimum scale of wages to be paid to the parties of the second part by the part of the first part, during the entire period of this agreement, viz:

Operators, eighteen (18) dollars per week and upwards.  
 First assistant operator, sixteen (16) dollars per week and upwards.  
 Second assistant operator, ten (10) dollars per week and upwards.  
 Basters, seventeen (17) dollars per week and upwards.  
 Assistant basters, thirteen (13) dollars per week and upwards.  
 Finishers, fourteen (14) dollars per week and upwards.  
 Assistant finishers, twelve (12) dollars per week and upwards.  
 Pressers, first grade, eighteen (18) dollars per week and upwards.  
 Pressers, second grade, fifteen (15) dollars per week and upwards.  
 Edge pressers, twelve (12) dollars per week and upwards.  
 Under pressers, nine (9) dollars per week and upwards.  
 Fitters, twelve (12) dollars per week and upwards.  
 Bushelers, eleven (11) dollars per week and upwards.

XI. The part of first part hereby agree to deposit and hereby do deposit with the party of the third part, a promissory note in the sum of        dollars, said note to be deposited as security for the faithful performance by the part of the first part, of all the covenants and conditions herein contained. The security hereby deposited to be deemed as liquidated and ascertained damages upon the commission of any breach or violation of any of the covenants hereinabove set forth on the part of the part of the first part, and said security shall also be applied to the payment of any wages that may be due and owing to the parties of the second part, or any one of them and also of any other help that he may hereafter engage, who shall be members of the party of the third part.

This agreement to be binding upon all parties hereto and their legal representatives, during the period of one (1) year from date hereof.

**BUREAU OF MEDIATION AND ARBITRATION, 1904. II.197**

In Witness Whereof, the parties hereto have hereunto set their hands and seals the day and year above named.

(L. S.)

(L. S.)

as attorney in fact for the parties of the second part.

**The Brotherhood of Tailors' Union, Local 55,**

**United Garment Workers of America.**

By

(L. S.)

*Secretary.*

**(36) NEW YORK CITY DECORATIVE GLASS WORKERS.**

No. 1. This agreement will run from date of the signing of the agreement until September 4, 1905.

No. 2. In case either party shall desire a change or changes, to be made at the expiration of the agreement, they shall give notice of such proposed change or changes to the other party three months before the expiration of the agreement.

No. 3. The Decorative Glass Workers' Protective Association will use their best endeavors to see that the hours of labor, rates of wages, and conditions decided upon, shall be enforced in every shop in Greater New York and vicinity.

No. 4. The hours of labor in all shops shall be 51 hours per week.

No. 5. All over time shall be paid for at the rate of time and a half, except Saturdays after 12 o'clock noon, Sundays, all legal holidays, and time after 11 P. M., which shall be paid for as double time. Legal holidays are as follows: New Year's Day, January 1st; Lincoln's Birthday, February 12th; Washington's Birthday, February 22; Decoration Day, May 30th; Fourth of July; Labor Day; Election Day; Thanksgiving Day; Christmas Day.

Should any legal holiday fall on a Sunday, then the following Monday shall be accounted the holiday.

No. 6. The minimum rate of wages shall be \$18 per week.

No. 7. The Decorative Glass Workers' Protective Association will refuse to handle any work not made by union help in the following branches:

Cutting, lead and metal glazing.

Cutting, copper glazing, globes and shades.

Cutting and setting glass mosaics.

Cutting and glazing decorative glass for walls and ceilings.

No. 8. In regard to the setting of outside work, it is understood that it must be set by a member of the Decorative Glass Workers' Protective Association. He may be allowed the use of one helper if so desired by his employer, it being fully understood that the preference shall be given to the apprentice.

All outside work, traveling and living expenses, shall be paid for by the employer. In case of long distances local helpers may be hired, but should any assistant mechanic be required he must be a union man, if there are any in the place.

No. 9. The cementer (or helper) of each shop will be allowed to set lights in sash in that shop, and an apprentice will be allowed to set a small light outside of the shop, when his employer so desires.



No. 10. Each apprentice shall be registered on the books of both associations and not more than one apprentice shall be allowed to every five men in each shop, the number to be based upon the average number of men employed in each shop during the year prior to the signing of the agreement.

No. 11. No boy shall be apprenticed under 15 or over 17 years of age.

No. 12. The term of apprenticeship shall be five (5) years, wherein an apprentice shall be taught the art of and all details of decorative glass work as done in the shop he is apprenticed in, that will at the expiration of his term of apprenticeship enable him to become an efficient and experienced workman.

No. 13. An employer considering the apprenticing of a boy, shall put him to the bench for one year on probation. If during or at the expiration of that time, he proves himself incompetent or misbehaves himself, he may be discharged. If on the other hand, the boy shows himself possessed of some ability or average intelligence, and the employer retains him over the period of one year, he shall be registered as an apprentice and the one year of probation shall be counted as one year of his apprenticeship.

No. 14. No boy shall be allowed to leave the shop in which he starts to work, to obtain employment in any other shop during his term of apprenticeship.

N. B. This clause is subject to the decision of the arbitration board that apprentices must be employed so long as there is any work to do, and that the secretary of the Decorative Glass Manufacturers' Association be notified when the apprentice is to be laid off so he can be allowed to work in another shop.

No. 15. Each apprentice upon entering the trade shall receive not less than \$3 per week, and his wages shall be increased not less than 50 cents every six months for the first two years.

Beginning the third year he shall receive not less than \$6 per week for six months, and not less than \$7 per week for six months following; the fourth year not less than \$8 per week for six months, and not less than \$12 per week for the balance of his apprenticeship, during which period of five years he shall attend to his work industriously, and after thus fulfilling his part of the contract he shall be entitled to rank as a journeyman.

No. 16. In case any shop shall have in its employment at the time of the signing of this agreement, a greater number of apprentices than is allowed under the agreement, such number of apprentices shall be retained until their terms of apprenticeship shall have expired. Such a shop shall not employ any more apprentices until the number has been reduced to the proper ratio.

No. 17. There shall be a standing committee composed of an equal number of representatives of the Glass Manufacturers' Association and the Glass Workers' Association, to which any case of dispute in the individual shop shall be referred, and both parties to the dispute shall abide by the decision of such committee. In case of no agreement being reached by the arbitration board, an impartial party shall be chosen by the joint committee to act as an umpire, whose decision must be considered final.

No. 18. Any questions not mentioned in the agreement affecting the welfare of the trade must be referred to the arbitration committee and final action must be taken on the same immediately.

No. 19. The Decorative Glass Manufacturers' Association agree to employ none but members of the Decorative Glass Workers' Protective Association,

and the Decorative Glass Workers' Protective Association agree not to work for any manufacturer who does not carry out the conditions of this agreement.

No. 20. Every apprentice at the expiration of his five years' apprenticeship, shall pass an examination and be declared a qualified workman, before being allowed to obtain work in any shop. Such examination shall be held by a committee of the Decorative Glass Workers' Association, it being understood that the committee of the Decorative Glass Workers' Association must be selected from the men working in the shop with the apprentice to be examined.

*Witness,*

B. T., *Pres. D. G. M. Ass'n.*

*Witness,*

*Sec. D. G. M. Ass'n.*

*Witness,*

WM. S., *Rec. Sec. D. G. W. Pro. Ass'n.*

*Witness,*

P. B., *Pres. D. G. W. Pro. Ass'n.*

Sept. 1. 1904.

(37) UTICA BOILER MAKERS

[Terminating dispute of June 1-September 10, described in Table I, page 22.]

*This Agreement, entered into this day of September, 1904, between the Utica Steam Engine and Boiler Works, party of the first part, and Local Lodge No. 223 of the Boiler Makers and Iron Ship-Builders of America, party of the second part, do hereby agree and stipulate to bind ourselves to the following agreement, viz.—*

All punching, rolling, riveting, chipping and caulking, flue setting and all machine work in boiler shop to be done by boiler makers only.

Helpers shall be allowed to flog rivets, but not allowed to handle set.

The minimum rate of wages shall be \$2 per day to \$2.50.

All new work done out of the city of Utica, shall be done at the number of hours per day worked by the union in city in which work is erected.

All work done at shop or on repair work shall be a nine-hour day.

All new work in shop shall be time and one-half for nights, Sundays or holidays.

All night work in the shop on new work shall be time and one-half.

All night work in the shop in repair work shall be double time.

All new work or repair work outside of the shop, nights, Sundays or holidays shall be double time.

No discrimination to be made against any man now on strike on account of anything done by him while on strike.

All men to be used as the same before strike took place.

None of the strikers to be discharged to make room for an outsider.

Men now employed as boiler makers under no consideration to be allowed to do boiler makers' work.

Signed by Utica Steam Engine and Boiler Works and committee.

UTICA, N. Y., September 12, 1904.



## V.

### LAWS GOVERNING THE BOARD OF MEDIATION AND ARBITRATION.

#### (1) THE LABOR LAW.

##### CHAPTER 415 OF THE LAWS OF 1897.

##### ARTICLE X.

##### State Board of Mediation and Arbitration.\*

##### **SECTION 140. Organization of board.**

- 141. Secretary and his duties.
- 142. Arbitration by the board.
- 143. Mediation in case of strike or lock-out.
- 144. Decisions of board.
- 145. Annual report.
- 146. Submission of controversies to local arbitrators.
- 147. Consent; oath; powers of arbitrators.
- 148. Decision of arbitrators.
- 149. Appeals.

Section 140. [Organization of board.—There shall continue to be a state board of mediation and arbitration, consisting of three competent persons to be known as arbitrators, appointed by the governor, by and with the advice and consent of the senate, each of whom shall hold his office for the term of three years, and receive an annual salary of three thousand dollars. The term of office of the successors of the members of such board in office when this chapter takes effect, shall be abridged so as to expire on the thirty-first day of December preceding the time when each such term would otherwise expire, and thereafter each term shall begin on the first day of January.

One member of such board shall belong to the political party casting the highest, and one to the party casting the next highest number of votes for governor at the last preceding gubernatorial election. The third shall be a member of an incorporated labor organization of this state.

Two members of such board shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the state. Examinations or investigations ordered by the board may be held and taken by and before any of their number, if so directed, but a decision rendered in such case shall not be deemed conclusive until approved by the board.]

This section was repealed in part by chapter 9 of the Laws of 1901, reprinted below.

§ 141. [Secretary and his duties.—The board shall appoint a secretary, whose term of office shall be three years. He shall keep a full and faithful record of the proceedings of the board, and all documents and testimony forwarded by the local boards of arbitration, and shall perform such

\* The original statute was enacted in 1886—chapter 410,—which was amended by chapter 63 of the Laws of 1897 and embodied in the general labor law in 1897. The Board was reconstituted under chapter 9 of the Laws of 1901 (page 203 below).

other duties as the board may prescribe. He may, under the direction of the board, issue subpoenas and administer oaths in all cases before the board, and call for and examine books, papers and documents of any parties to the controversy. He shall receive an annual salary of two thousand dollars, payable in the same manner as that of the members of the board.]

Repealed or modified by chapter 9 of the Laws of 1901.

§ 142. **Arbitration by the board.**—A grievance or dispute between an employer and his employees may be submitted to the board of arbitration and mediation for their determination and settlement. Such submission shall be in writing, and contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide the determination of the board, and during the investigation to continue in business or at work, without a lockout or strike. Upon such submission, the board shall examine the matter in controversy. For the purpose of such inquiry they may subpoena witnesses, compel their attendance and take and hear testimony. Witnesses shall be allowed the same fees as in courts of record. The decision of the board must be rendered within ten days after the completion of the investigation.

§ 143. **Mediation in case of strike or lock-out.**—Whenever a strike or lock-out occurs or is seriously threatened, the board shall proceed as soon as practicable to the locality thereof, and endeavor by mediation to effect an amicable settlement of the controversy. It may inquire into the cause thereof, and for that purpose has the same power as in the case of a controversy submitted to it for arbitration.

§ 144. **Decisions of board.**—Within ten days after the completion of every examination or investigation authorized by this article, the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report of their findings of fact and of their recommendations to each party to the controversy. Every decision and report shall be filed in the office of the board and a copy thereof served upon each party to the controversy, and in case of a submission to arbitration, a copy shall be filed in the office of the clerk of the county or counties where the controversy arose.

§ 145. **Annual report.**—The board shall make an annual report to the legislature, and shall include therein such statements and explanations as will disclose the actual work of the board, the facts relating to each controversy considered by them and the decision thereon together with such suggestions as to legislation as may seem to them conducive to harmony in the relations of employers and employees.

§ 146. **Submission of controversies to local arbitrators.**—A grievance or dispute between an employer and his employees may be submitted to a board of arbitrators, consisting of three persons, for hearing and settlement. When the employees concerned are members in good standing of a labor organization which is represented by one or more delegates in a central body, one arbitrator may be appointed by such central body and one by the employer. The two so designated shall appoint a third, who shall be chairman of the board.

If the employees concerned in such grievance or dispute are members of good standing of a labor organization which is not represented in a central body, the organization of which they are members may select and designate one arbitrator. If such employees are not members of a labor organization, a majority thereof at a meeting duly called for that purpose, may designate one arbitrator for such board.

§ 147. **Consent; oath; powers of arbitrators.**—Before entering upon his duties, each arbitrator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be filed in the clerk's office of the county or counties where the controversy arose. When such board is ready for the transaction of business, it shall select one of its members to act as secretary, and notice of the time and place of hearing shall be given to the parties to the controversy. The board may, through its chairman, subpoena witnesses, compel their attendance and take and hear testimony. The board may make and enforce rules for its government and the transaction of the business before it, and fix its sessions and adjournments.

§ 148. **Decision of arbitrators.**—The board shall, within ten days after the close of the hearing, render a written decision signed by them giving such details as clearly show the nature of the controversy and the questions decided by them. Such decision shall be a settlement of the matter submitted to such arbitrators, unless within ten days thereafter an appeal is taken therefrom to the state board of mediation and arbitration. One copy of the decision shall be filed in the office of the clerk of the county or counties where the controversy arose and one copy shall be transmitted to the secretary of the state board of mediation and arbitration.

§ 149. **Appeals.**—The state board of mediation and arbitration shall hear, consider, and investigate every appeal to it from any such board of local arbitrators and its decisions shall be in writing and a copy thereof filed in the clerk's office of the county or counties where the controversy arose and duplicate copies served upon each party to the controversy. Such decision shall be final and conclusive upon all parties to the arbitration.

---

## (2) ACT CREATING THE DEPARTMENT OF LABOR.

### LAWS OF 1901, CHAPTER 9.

AN ACT to create a department of labor and the office of commissioner of labor, and abolishing the offices of commissioner of labor statistics and factory inspector, and the state board of mediation and arbitration.

Section 1. **Department of labor and office of commissioner of labor created.**—A department of labor and the office of commissioner of labor are hereby created. Within twenty days after this act takes effect, the governor, by and with the advice and consent of the senate, shall appoint a commissioner of labor, who shall hold his office until January first, nineteen hundred and five. A successor to such commissioner shall be appointed in like manner and shall hold his office for a term of four years, beginning on the first day of January of the year in which he is appointed. Such commis-

sioner shall be the head of such department and receive an annual salary of three thousand five hundred dollars.

§ 2. **Offices abolished; powers of commissioners\* of labor.**—The offices of commissioner of labor statistics and factory inspector, and the state board of mediation and arbitration, shall be abolished upon the appointment and qualification of such commissioner of labor. The commissioner of labor shall have the powers conferred and perform the duties imposed by law upon the commissioner of labor statistics and the factory inspector.

§ 3. **Deputy commissioners.**—The commissioner of labor shall forthwith upon entering upon the duties of his office appoint and may at pleasure remove, two deputy commissioners of labor to be designated respectively as the first and second deputy commissioners of labor, each of whom shall receive an annual salary of two thousand five hundred dollars. Upon the appointment of such deputies the offices of the assistant factory inspector, deputy commissioner of labor statistics, and chief clerk of the commissioner of labor statistics are abolished.

§ 4. **Bureaus of department.**—The department of labor shall be divided by the commissioner of labor into three bureaus as follows: factory inspection, labor statistics and mediation and arbitration. The bureau of factory inspection shall be under the special charge of the first deputy commissioner of labor, who, under the supervision and direction of the commissioner of labor shall have such of the powers conferred, and perform such of the duties imposed, by law upon the factory inspector, as shall be designated by the commissioner of labor. The bureau of labor statistics shall be under the special charge of the second deputy commissioner of labor, who, subject to the supervision and direction of the commissioner of labor shall have such of the powers conferred and perform such of the duties imposed by law upon the commissioner of labor statistics, as shall be designated by the commissioner of labor. The bureau of mediation and arbitration shall be under the special charge and supervision of the commissioner of labor, who, together with the first and second deputy commissioners of labor shall constitute a board, which shall have the powers conferred, and perform the duties imposed, by law on the state board of mediation and arbitration. The powers hereby conferred upon the first and second deputy commissioners shall not include the appointment of officers, clerks or other employees in any of the bureaus of the department of labor.

§ 5. **Officers and employees.**—Except as provided by this act, the deputies, officers and employees in the office of or appointed by the factory inspector, the commissioner of labor statistics, and the state board of mediation and arbitration are continued in office until removed pursuant to law.

§ 6. **Construction.**—Wherever the terms commissioner of labor statistics, or factory inspector, occur in any law, they shall be deemed to refer to the commissioner of labor, and wherever the term state board of mediation and arbitration occurs in any law, it shall be deemed to refer to the board created by this act.

§ 7. **Pending actions and proceedings.**—This act shall not affect pending actions or proceedings, civil or criminal, brought by or against the commis-

\* So in the original.

sioner of labor statistics or factory inspector. All proceedings and matters pending before the state board of mediation and arbitration when this act takes effect shall be continued and completed before the board hereby created; and where a grievance or dispute has been submitted to the state board of mediation and arbitration, prior to the taking effect of this act, the board hereby created may make such further investigation in relation thereto as it deems necessary.

§ 8. Repeal.—All acts and parts of acts inconsistent with this act are hereby repealed.

§ 9. This act shall take effect immediately.

Became a law February 7, 1901, with the approval of the Governor









## PART III

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Report of the Bureau of Factory  
Inspection



NEW YORK STATE DEPARTMENT OF LABOR

## NINETEENTH ANNUAL REPORT

ON

# FACTORY INSPECTION

For Twelve Months Ending September 30,

1904

TRANSMITTED TO THE LEGISLATURE APRIL 17, 1905, AS PART III OF THE  
FOURTH ANNUAL REPORT OF THE DEPARTMENT OF LABOR



ALBANY  
BRANDOW PRINTING COMPANY  
STATE LEGISLATIVE PRINTERS

1905



# STATE OF NEW YORK.

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No. 62 C.

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## IN ASSEMBLY,

APRIL 17, 1905.

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### ANNUAL REPORT

OF THE

## BUREAU OF FACTORY INSPECTION.

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STATE OF NEW YORK:

DEPARTMENT OF LABOR,

ALBANY, April 17, 1905.

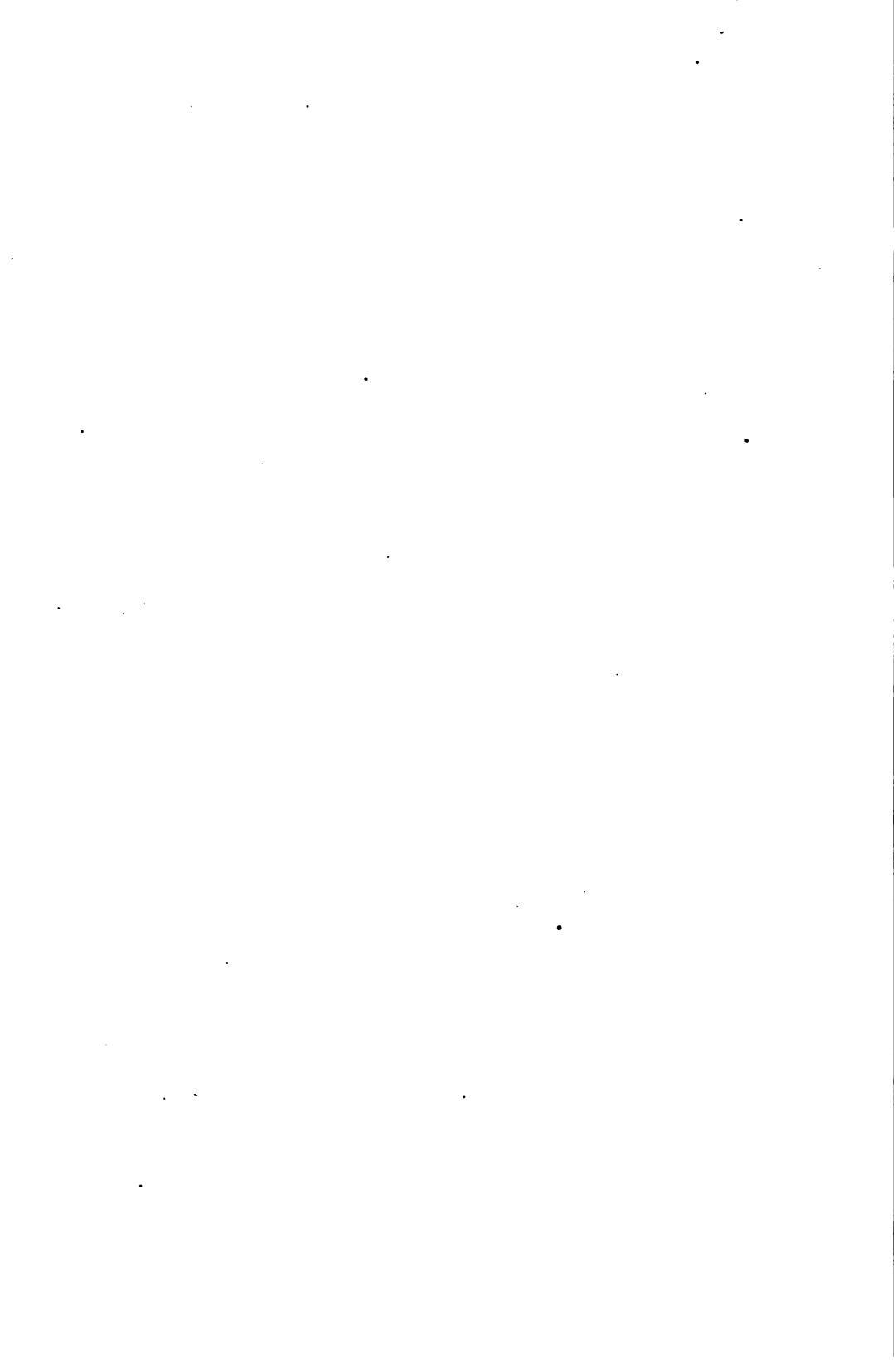
*To the Speaker of the Assembly:*

SIR.—I herewith transmit the report of the Bureau of Factory Inspection for the twelve months ending September 30, 1904, constituting the nineteenth report in the series of annual reports upon factory inspection.

Yours very respectfully,

JOHN McMACKIN,  
*Commissioner.*





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## INSPECTION DISTRICTS.

### METROPOLITAN DISTRICT.

NEW YORK AND KINGS COUNTIES (BOROUGH OF MANHATTAN, THE BRONX  
AND BROOKLYN, NEW YORK CITY.)

*Headquarters: 107 East Thirty-first street, Manhattan.*

JOSEPH M. BRODY.	GEORGE L. HORN (9½ mos.).
JAMES DAVIE.	†WILLARD G. LOWNSBERRY.
JOHN A. DONALD.	MRS. ELLA NAGLE (Four mos.).
MISS MARGARET FINN.	WILLIAM J. NEELY.
MATTHEW J. FLANAGAN.	WILLIAM E. PETTIT ( <i>Special Agent</i> ).
MISS LILY F. FOSTER.	‡CHARLES H. ROBERTS.
WILLIAM FORD.	JEFFERSON B. SLITER.
MRS. REBECCA B. GOURLIE.	JAMES N. STEWART.
CHARLES L. HALBERSTADT.	WILLIAM W. WALLING.
DENNIS J. HANLON.	DAVID S. YARD.
*GILBERT I. HARMON.	

### OTHER COUNTIES.‡

LUMAN S. ARNOLD .....Earlville.  
(Chenango, Madison, Onondaga, Oswego and Otsego Counties.)

CHARLES B. ASH .....Yonkers.  
(Dutchess, Putnam and Westchester Counties.)

MRS. ANNIE L. GREENE.....Fort Plain.  
(Columbia, Montgomery and Schoharie Counties.)

LOUIS A. HAVENS.....Lynnbrook.  
(Richmond, Queens, Nassau and Suffolk Counties.)

JAMES W. IRELAND.....Ithaca.  
(Cayuga, Cortland, Tompkins, Schuyler, Seneca and Steuben Counties.)

MISS KATE L. KANE .....Rochester.  
(Part of Monroe, Orleans and Wayne Counties.)

CHARLES M. KINNEY (Appointed November 1, 1903).....Vineyard.  
(Allegany, Cattaraugus and Chautauque Counties.)

FRANK NASH .....Binghamton.  
(Broome, Chemung, Delaware, Franklin, St. Lawrence and Tioga Counties.)

\* Also inspected Rensselaer county.

† Also inspected Jefferson and Lewis counties.

‡ Also inspected Yates county.

§ Clinton and Essex counties were inspected by Cornelius S. Conde; resigned Nov. 15, 1903.

### III.8      NEW YORK STATE DEPARTMENT OF LABOR.

JOSEPH O'ROURKE . . . . . Utica.  
(Fulton, Hamilton, Herkimer and Oneida Counties.)

SILAS OWEN . . . . . Cohoes.  
(Saratoga, Schenectady, Warren and Washington Counties.)

MISS JOSIE A. REILLY . . . . . Albany.  
(Albany, Greene and Ulster Counties.)

HENRY L. SCHNUR . . . . . Buffalo.  
(Erie, Genesee and Niagara Counties.)

DENNIS C. SULLIVAN . . . . . Rochester.  
(Part of Monroe, Orleans and Wayne Counties.)

WILLIAM E. TIEBS . . . . . Newburgh.  
(Orange, Rockland and Sullivan Counties.)

#### DEPUTY MINE INSPECTOR.

CHARLES M. GILMORE . . . . . Binghamton.

#### ASSIGNED TO OFFICE WORK.

MISS ANNA C. BANNON . . . . . 107 East 31st St., New York City.

MISS ANGIE M. BROWN . . . . . 107 East 31st St., New York City.

CHARLES M. LESSELS . . . . . Albany.

## TABULAR SUMMARY OF THE YEAR'S WORK.

### 1.—Inspections and Investigations.

Inspections of factories and quarries.....		35,239
Factories.....	27,568	
Tenement workshops.....	4,326	
Bakeries.....	3,227	
Mines and quarries.....	118	
Tenement workrooms inspected.....		27,909
Licensed places.....	15,625	
Unlicensed places.....	130	
Places prior to licensing.....	10,584	
Places prior to licensing (re-investigated).....	492	
License refusals investigated.....	1,078	
Places found closed, burned, removed, etc.....		14,728
Factories and workshops.....	4,429	
Tenement workrooms.....	8,806	
License applicants' places.....	1,493	
Investigations.....		11,171
Complaints.....	1,084	
Compliances.....	9,979	
Accidents.....	108	
Total.....		<u>89,047</u>
Miscellaneous:		
Appointments re prosecutions, etc.....		126
Statistical reports collected.....		<u>130</u>

### 2.—Orders\* and Compliances.

*Summarised from Table VI of the Appendix.*

REQUIREMENTS OF THE LAW TO BE COMPLIED WITH.	NUMBER OF ORDERS.			Com- pliances with orders
	New York City.	Other places.	New York State.	
I. Posting of law, schedule of hours, etc.....	19,460	5,074	24,539	24,503
II. Health and safety.....	10,768	5,194	15,962	13,629
1. Light.....	909	44	953	841
2. Ventilation and overcrowding.....	35	16	51	44
3. Time allowed for meals.....	5		5	4
4. Cleanliness and sanitary conveniences.....	6,034	821	6,855	5,795
5. Dangerous machinery.....	1,897	3,098	4,995	4,276
6. Elevators and hoistways.....	368	228	596	518
7. Fire protection.....	1,343	888	2,231	1,907
8. Unsafe buildings.....	177	99	276	244
III. Employment of children.....	2,606	1,557	4,163	4,028
IV. Employment of women and minors.....	109	45	154	137
V. Laundries.....	246	103	349	259
VI. Tenement workplaces.....	423	32	455	401
VII. Bakeries.....	2,879	880	3,759	3,126
IX. Payment of wages.....	4	31	35	28
Total.....	<u>36,500</u>	<u>12,916</u>	<u>49,416</u>	<u>46,114</u>
Orders rescinded, suspended, etc.....	1,246	355	1,601	
Number of factories notified (exclusive of factories notified by the inspector at the time of his visit).....	8,534	3,899	12,433	
Orders and compliances in 40 mines and quarries.....		72	72	50

\*Exclusive of orders suspended or rescinded.

## 3.—Complaints.\*

Summarized from Table VII of the Appendix.

VIOLATION ALLEGED.	Sus- tained.	Partly sus- tained.	Not sus- tained.	Place closed, removed, etc.	Total.
I. Failure to post law in factory, etc.	2				2
II. Sanitation and safety	201	15	120	9	345
1. Lack of light	31	3	15	1	50
2. Lack of ventilation	9	2	13	1	25
3. Insufficient time for meals	2		6		8
4. Uncleanliness, defective toilet facilities	87	5	44	2	138
5. Dangerous machinery, boilers, etc.	49	3	27	4	83
6. Elevators and hoistways unguarded	3		1		4
7. Insufficient fire protection	14	2	13	1	30
8. Unsafe buildings	6		1		7
III. Illegal employment of children	126	2	108	5	241
IV. Illegal employment of women and minors	22	4	29	1	56
V. Laundries (special)	2				2
VI. Tenement work	124		109	9	234
VII. Bakeries (special)	59	8	29	8	104
VIII. Unsafe scaffolding	1				1
IX. Miscellaneous	4		1	4	9
X. General violation of factory law	6	2	4		12
Total	547	31	392	36	1,006

\*Exclusive of complaints under the eight-hour and alien labor laws.

## 4.—Summary of Prosecutions.

CHARGE.	Total number of cases.	Acquitted or dis- charged.	Convicted and sentence suspended.	Convicted and fined.	Amount of fines.†
II. Sanitation and safety:					
Failure to light halls and stairs	2	2			
Failure to provide ventilation	1			*1	*\$100
Failure to maintain toilet facilities in proper condition	7	4	1	*2	*125
Failure to paint and lime wash walls, etc.	2	1		1	20
Failure to provide exhaust fans	1	1			
Failure to provide fire-escape	2		1	*1	*100
Failure to keep doors unlocked	2			2	30
III. Illegal employment of children:					
Employing child under 16 without certificate	19	10	4	5	115
Employing child under 16 more than 9 hours a day	1	1			
Failure to keep register of children	1	1			
VI. Tenement manufactures:					
Having goods made in unlicensed places	6	2		4	100
VIII. Bakeries:					
Failure to provide impermeable floor	1	1			
Failure to provide hood over oven door	1			1	20
Failure to provide ventilation	1	1			
Failure to provide increased height of bake room	1			1	20
Employing bakers more than 10 hours a day	1		1		
Total	49	24	7	†18	†\$630

\*In one case defendant forfeited bail.

†Includes 3 cases in which bail was forfeited (total amount, \$300).

## REPORT AND RECOMMENDATIONS.

---

In the year ending September 30, 1904, 35,239 factories, workshops, bakeries, mines and quarries were duly visited and inspected, substantially the same number as in the preceding year (35,875). The number of tenement inspections made has materially decreased, being 27,909 in 1904 against 32,042 in 1903. One of the principal reasons for the decrease in this class of inspections was the fact that the new law relating to manufacture in tenement houses went into effect on October 1, 1904, and in view of that fact we did not grant any licenses under the old law during the month of September, 1904, as inspection was deemed inexpedient. The time thus saved permitted the giving of more attention to the matter of reinspections, to examine and determine compliances with orders issued. In this respect the Bureau has a very substantial increase to its credit; in 1903 the number of such investigations was 2,174, while in 1904 they went up to almost 10,000 (9,979).

As we said last year, "the true value of factory inspection must be measured by the extent to which we are enabled to insure a compliance with the provisions of the statutes relating to the subject; extensive and proper compliance can only be had through a careful and thorough system of reinspections. Recognizing this fact we have been devoting our attention to this phase of our work with the result that very few places, where important orders are issued, escape a second, and oftentimes a third visit. The result of the special activity of our deputy inspectors along this line will be found in the comparatively small number of orders remaining noncomplied with. The total number of all orders issued during the year was 49,416 (exclusive of 1,601 which, upon reinspection, were rescinded or suspended). Our records show a compliance with 46,114. This left 3,302 orders at the time this compilation was made, with which compliance had not been reported. Last year we had to account for about 10,000 orders not complied with.

### INVESTIGATION OF PUBLIC CONTRACT WORK.

During the year 1904 there were 430 complaints under the eight-hour and alien labor sections of the Labor Law that were carefully investigated and such action taken thereon by the Department as the result of our investigations seemed to warrant. Of the total number of complaints, 29 related to public contracts in the various cities and villages of the State outside of Greater New York, while the remainder of the complaints referred to such work in that city. Practically all of these complaints alleged a violation of the eight-hour law, but our investigations only sustained the charge in 119 cases; work having been completed in the case of 42 of the complaints. It follows that the charges were not sustained on 279 contracts investigated.

The law prohibiting the employment of aliens (Section 13) on public contract work was violated on 121 of these contracts. In this connection the Department undertook a very careful investigation of this subject. During August, September and October, 1904, we investigated 125 large contracts in Greater New York on which were found employed an aggregate of over 6,300 men. Complete lists of all these employees were prepared. They were divided into three classes—native born, naturalized citizens, and



aliens. Out of the total given above we found that 22 per cent. of the employees were native Americans, 17 per cent. naturalized citizens, while the remainder, or about 61 per cent., were aliens.

Notices requiring compliance with the provisions of both sections of the statute were duly served on the contractors and municipal officers in relation to every contract upon which violations of the law were established. As a result of the service of such notices, the question of the State's authority to interfere with the employment of aliens was presented to the corporation counsel of Greater New York by some of the city department officials. The corporation counsel wrote an opinion to the effect that the provisions of section 13 of the law were invalid, insofar as they were applied to subjects of the Kingdom of Italy, for the reason that said provisions were violative of certain rights accorded to Italian subjects under the terms of treaty made between the governments of the United States and Italy. The matter was not tested in the courts. If the opinion of the corporation counsel of Greater New York is correct, it means practically the nullification of section 13, for an overwhelming majority of the aliens generally employed on these public contracts are natives of Italy.

On November 29, 1904, the Court of Appeals declared the provisions of the eight-hour law unconstitutional with respect to the employees of a contractor engaged on municipal work. Owing to this decision the Department is practically entirely relieved from the duty of investigating municipal contract work.

#### **[EMPLOYEES IN FACTORIES.]**

During the year our force found at work in the establishments inspected, 874,467 persons, of whom 41,155, or about five per cent., were employed in the factory offices. We found 13,385 children between 14 and 16 years of age working in both offices and workshops of factories—a decrease from the figures for 1903.

The distribution of the industrial forces of this State, which find employment in factories, is very significant and interesting. The total number of factory employees in New York county is 377,322, or a little over 43 per cent. In Kings county there are 105,999, or about 12 per cent. In Queens and Richmond counties there are 23,682, or 2.7 per cent., while in the remainder of the State there are 367,464, or about 42 per cent. It will be seen that Greater New York contains 58 per cent. of the total number of our factory workpeople, while New York county alone has a larger percentage of this class of citizens than the remainder of the State outside of Greater New York. These facts justify us in continuing our established policy of concentrating our force in the metropolis during the greater part of the year. It is worthy of note that the amount of labor to be performed in connection with the inspection of factories, shops, bakeries, etc., in Greater New York is relatively much greater than the percentages herein mentioned would indicate. We shall touch upon this point elsewhere.

#### **WORK OF WOMEN, MINORS AND CHILDREN.**

The group of factory operatives designated by this caption has received special attention in this State for many years. For them, hours of labor have been restricted, while night work and employment on dangerous machinery are prohibited. These special provisions of law entail upon this Bureau important and exacting duties. While we are concerned about the con-

ditions existing in factories where adult males constitute the entire working force, we are required to be more on the alert and watchful of the interests of the women, minors and children wherever they are found earning their living in a factory. They constitute the most helpless class of bread-winners and, presumably, it is for this reason the State has undertaken the control and regulation of their labor, in productive industry, in a special manner.

Public opinion, quite naturally and properly, is attracted to the administration of the laws governing child labor more than to any other class of special enactments relating to labor. This in a measure is due to the utter helplessness of the child and his inability by reason of youth and inexperience to engage in the battle of life with advantage to himself. We might add that the interest manifested in the children has been the primary cause of labor legislation the world over. The legislation of the year 1903 amended the provisions of the law governing the employment of children by reducing the hours of labor to nine per day, prohibiting overtime and vacation certificates altogether, and adding certain requirements and restrictions in the matter of granting certificates of employment by boards of health. The amended law became operative on October 1, 1903, therefore it has been administered during the entire year covered by this report.

A short time prior to October 1, 1903, in order to insure, as far as possible, a uniform method of administration of the provisions of this new law to be carried out by the local boards of health, a circular letter was prepared and a copy thereof sent to every health officer in the State. In this letter attention was called to the duties devolving upon each local board of health under the provisions of the amended child labor law. Accompanying each circular was a blank form of an employment certificate properly drawn according to the new law. We took occasion to recommend the adoption of the form of certificate prepared and approved by this Bureau. The circulation of this matter among the boards of health throughout the State resulted in quite a large addition to the volume of our correspondence, which lasted for several months.

The striking out of the provision allowing for the granting of vacation certificates led to many mistakes on the part of health officers in various sections of the State. The elimination of section 74, relating to vacation certificates, had been overlooked. We found it necessary to direct many health officers to cancel certificates issued for vacation periods under a misapprehension. The cheerful cooperation of local health officers generally in connection with the enforcement of this beneficent law has been very gratifying; we have met with only a very few instances where there seemed to be a disposition to evade the responsibilities. We were met in a generous spirit, and our recommendations very generally accepted and acted upon.

In view of the fact that this amended law carried a provision to restrict the hours of labor of all children under 16 years of age employed in factories, and that a large majority of the factories employing children were operating under a 10-hour day or 60 hours a week schedule, it followed that upon the inspection of such factories our inspectors found it necessary almost invariably to issue an order to reduce the working hours of children under 16 years of age to nine per day. During the year 1,586 such orders were issued and compliance established or secured in 1,457 cases. It is not to be assumed that the law was disregarded in the

129 cases not reported upon. Failure to secure credit for compliance is due to our utter inability to reinspect in order to establish such fact.

The reduction of one hour in each day's work for all children under 16 years of age was an important and serious question to every manufacturer in this State, engaged in a business utilizing much of that class of help, and it meant a total readjustment of forces, etc. In many cases it meant dividing the juvenile help into shifts, so as to enable the plants to run full capacity in their various departments. In several instances brought to our attention, this class of labor was wholly dispensed with—orders being issued to superintendents and foremen not to hire any child under 16 years of age.

The effect of the amendments of 1903 can be more fully appreciated when we consider the statistics bearing upon the subject. In 1903 we reported 18,169 children between 14 and 16 years of age at work out of a total of 872,625 persons—a ratio of 21 children to each 1,000 employees. During the year 1904, out of a total of 874,467 persons employed, the inspectors reported finding 13,385 children between 14 and 16 years of age at work, or a ratio of 15 per thousand. This showing must gratify all who are interested in the reduction of child labor to a minimum. Our records show a slight increase in the total number of persons found at work in the factories, but a considerable decrease is shown in the number of children employed. A falling off of 4,784 from the figures of child labor for the preceding year—a reduction of more than one-fourth in one year—certainly demonstrates the value of our present laws. The wisdom of their enactment is undeniably settled. While our statistics show a great reduction in the total number of children found employed, we regret to say that, relatively speaking, violations of the law regulating this class of labor did not decrease. We are compelled to report practically as many violations this year as we did in 1903, or, 2,571 in 1904 as against 2,832 in 1903.

#### SANITATION AND SAFETY.

Factory inspection for the purpose of enforcing factory laws has been a fixed branch or function of our State government for many years, and one would think that after all these visitations, service of official notices, and frequent legal proceedings, the owners of factories would, at least, have arrived at that stage where the importance of maintaining clean and healthy establishments was fully appreciated and cheerfully undertaken without the necessity for the State exercising its authority along this line. But this is not our experience. It matters not how thoroughly the work is done from year to year, the need of inspection seems to grow, especially in Greater New York. Punishment may be imposed for infractions of the law, but in spite of all, the next inspection is quite likely to show a disregard not only of statute law, but of the most ordinary forms of decency. It is this phase of the problem that makes our work so extensive and difficult in New York county. There are in that county hundreds of large buildings devoted to manufacturing, on each floor of which there are from one to four separate manufacturers. When these buildings were erected very little attention was paid to the requirements of the statutes relating to toilet facilities, etc., hence, when the property is rented, there is, as a rule, but an indifferent arrangement as to the needs of those who may be brought there to labor. Toilets are often in the public hallways and are used in common by the several occupants of each floor. This results in a divided responsibility for the sanitary condition of these

conveniences, and consequently they are neglected. Our inspectors very frequently report these cases; it requires patient and persistent effort to insure anything approaching decent conditions in these buildings. There is but one of two remedies to be applied. Either compel the owner of the building to provide sufficient and proper facilities within each shop, or place the responsibility upon him for the sanitary condition of the public parts of his building. This principle is embodied in the English Factory Law.

Of the total of 6,855 orders issued in 1904 to secure cleanliness, fully one-half related to toilets, and practically all were directed against establishments in Greater New York. Our entire force could be utilized in keeping under constant surveillance the establishments described herein, which constitute a perpetual menace to the public health. Our work in this direction is especially heavy in New York, and the necessity for sending our entire force into that section of the State for long periods in each year seems to grow more and more imperative.

We are also required to observe what provisions are made for the safety of factory operatives. During the year 1903 the Factory Inspection Bureau issued over 6,500 orders to properly guard machinery, about 5,000 of which orders were reported complied with. In 1904 we issued 5,000 orders of the same character and secured compliance with 82 per cent. of these orders. Why do we find it necessary to issue so many orders each year? After an order is issued and complied with, why does it not remain so? The reason is obvious to every practical mind. Manufacturing establishments are constantly undergoing changes, additions, repairs, etc.; safety appliances are removed, and not replaced; new machinery is bought and installed; a rearrangement of machinery exposes dangerous parts of a machine, that were before inaccessible.

#### ACCIDENTS.

Under section 87 of the Labor Law it is the duty of factory owners to report all accidents to the Bureau of Factory Inspection within 48 hours after their occurrence. The provisions of this section were but indifferently observed by manufacturers throughout the State until about three years ago, when, by reason of improved methods adopted by this department, more extensive and reliable data began to reach our office. This improvement has continued, our fund of information regarding this subject growing larger each year. In 1902, there were 3,520 accidents reported. In 1903, there were 5,660 accident reports received, while in 1904 we show a still further increase, our total being 6,784. It is not to be assumed that the increase in our returns on accidents is an indication that the work of our inspectors is ineffective, nor is it to be taken for granted that it constitutes proof of the negligence of manufacturers to comply with our orders to properly guard machinery. It is rather a clear indication of the efficient work done in our office in the collection of the information called for by law.

Can accidents be prevented? A majority of those happening in our factories can be avoided. We do not believe, however, that the mere installation of "guards" on a machine will prevent accidents. To make a machine absolutely "safe" would be to make it absolutely useless in many instances. There is an element of danger in all power machinery. The idea of safeguarding means the reduction of danger to a minimum, it can never be entirely removed without destroying the utility of the machine; hence our

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belief that guarding a machine will not entirely prevent accidents occurring thereon. That which is most needed to reduce the number of accidents in factories, is a closer attention to duty and a greater exercise of ordinary care and caution on the part of the operatives.

#### TENEMENT WORK.

The established practice of the Bureau to engage in an annual "clean-up" of the tenement work in Greater New York was followed in 1904. The work was done during the months of April and May. Within this period of two months, our inspectors visited over twenty thousand (20,301) separate tenement apartments; in addition to this 2,468 licensed shops were inspected, or a total of a little less than twenty-five thousand places holding licenses under the law of 1899. This large amount of work represents an average of sixteen inspections per day for each inspector during the entire two months.

The total number of licenses in force at the close of the year 1904 was 29,929\*, as against 30,890 at the close of 1903. This total does not include

#### \* LICENSES FOR TENEMENT MANUFACTURE.

	New York City and Long Island.	Remainder of State.	Total.
Applications for license investigated.....	9,390	194	9,584
Licenses refused.....	233	9	242
Licenses issued:			
To applicants not previously licensed.....	†6,584	167	6,751
To former licensees removed, etc.....	3,730	88	3,818
Total.....	10,314	255	10,569
Licenses revoked.....	433		433
Licenses surrendered upon change of residence.....	9,453	*222	9,675
Surrendered upon cessation of work, duplicates, etc.....	362	3	365
Total revoked or surrendered.....	10,248	225	10,473
Licenses outstanding September 30, 1903.....	23,203	7,687	30,890
Net increase October, 1903, to September, 1904.....	66	30	96
Outstanding September 30, 1904.....	†22,212	7,717	29,929

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#### REGISTERS OF OUTSIDE WORKERS.

MONTH. 1903.	Notifications issued.	Registers filed.	Returned not found.	Report no outside hands, retired from business or no manufacturing in New York.
October.....	245	55	17	34
November.....	187	56	10	28
December.....	119	32	14	15
1904.				
January.....	211	52	7	15
February.....	202	64	23	29
March.....	232	87	12	24
April.....	35	33	1	8
May.....	35	29		1
June.....	398	87	45	26
July.....	130	36	23	19
August.....	19	6	1	3
September.....	13	6		
Total.....	1,826	563	153	202

† Includes 1,032 temporary licenses issued in September without formal investigation, owing to the fact that the old license law was to expire on October 1.

\* Includes for the months of July, August and September those surrendered upon cessation of work, etc.

‡ By actual count, with the 1,032 temporary licenses issued in September and an error of 25 in the year's records excluded. Of the 22,212 there were 7,486 in the Lower East Side; 5,941 in the remainder of New York County (Boroughs of Manhattan and Bronx); 8,399 in Brooklyn Borough; 299 in Queens and 48 in Richmond Boroughs, making a total of 22,173 in New York City. The remaining 49 were in Nassau (24) and Suffolk (25) counties

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1,032 temporary licenses issued without investigation during the month of September, 1904. We deemed it inexpedient to spend the time of the force investigating the applications received during that month, inasmuch as all licenses issued under the old law became obsolete on October 1, 1904, and the clerical force of our sub-office was kept busy during the month of September, sending out circular notices to manufacturers and to owners of tenement houses, directing their attention to the provisions of the new law. Considerable time was also spent in preparing forms and perfecting the system for carrying into effect the provisions of the new law, which licenses the building instead of the apartment.

### BAKERIES.

The number of bakeries inspected during the year was 3,227. Orders to the number of 3,759 were issued as a result of such inspections, and of this number 3,129 were complied with, according to our records. It is gratifying to note that the orders of the Bureau were so generally complied with in this class of establishments. The validity of the 10-hour law for bakery employees has not as yet been definitely settled. Sustained in the highest court in this State, it is now before the United States Supreme Court, and it is presumed that a decision will be rendered shortly on the question.

### MINES AND QUARRIES.

The report of the Deputy Mine Inspector states that the number of mines and quarries visited and found in operation in 1904 was 140, divided as follows: Stone, 86; salt, 1; graphite, 3; sienna, 2; cement, 20; gypsum, 9; iron, 16; zinc copper, 1; pyrites, 1; feldspar mica, 1. In only 40 of the 140 were conditions found that required the issuance of notices from the Department of Labor, the total number of such orders being 72, as against 89 in the preceding year. Compliances were reported with 50 orders.

HON. JOHN WILLIAMS, *First Deputy Commissioner, Albany, N. Y.:*

SIR.—Pursuant to your request for a report relating to inspection and the general condition of mines and quarries in this State, as I found them during my inspection tour of 1904, I herewith submit the following:

Total number of mines and quarries visited and found in operation 140, which may be classed as follows:

Stone . . . . .	86, with 2,695 wage earners
Salt . . . . .	1, with 150 " "
Graphite . . . . .	3, with 50 " "
Sienna . . . . .	2, with 6 " "
Cement . . . . .	20, with 576 " "
Gypsum . . . . .	9, with 175 " "
Iron . . . . .	16, with 718 " "
Zinc copper . . . . .	1, with 6 " "
Pyrites . . . . .	1, with 40 " "
Feldspar mica . . . . .	1, with 16 " "

The 86 stone industries may be better identified if divided and classed as follows:

Bluestone, 5; flint and limestone, 27; marble, 8; Medina sandstone, 34;

slate (roofing), 12, producing various colors, including red, black, green and variegated.

Salt—The Retsof mine, of Livingston county, being the only one at present engaged in mining rock salt.

Of the graphite mines, the largest producer is located at Graphite, Warren county. The owners of this property have recently installed an electric system for lighting the drifts and tunnels and also for conveying ore to the mill.

This improvement greatly relieves the mine of smoke, which at times was too plentiful for the comfort of the miners.

The cement industries have largely increased their products the past few years, particularly those of the Portland class. Several large plants have been added to the list during the past two or three years. Though the price of Portland cements has decreased during the past year, the cause is attributable more to the decline in construction than to overproduction.

The gypsum industries are working up to their usual standard. While this class of mining is attended with danger to a larger extent than some others, owing to the formation peculiar to this kind of rock, such danger has been somewhat eliminated in the past two or three years by a partial discontinuance of the contract system, and a more rigid supervision by the owners, also through the adoption of suggestions made by the Department of Labor and compliance with orders issued therefrom.

The iron industries are somewhat inactive except those of the magnetite group, which class seems to be in the ascendancy. The results of the recent transfer of extensive interests and the activity shown by the new management to operate these properties under modern methods and according to scientific principles are apparent on every hand, and tend to warrant the expectation of a largely increased production of these ores.

That a larger percentage of accidents occur in our iron mines than in the other mines in our State, is due to improper methods of operation, contract work, and wanton neglect or incompetency on the part of those engaged in the early development of these mines. Vast chambers and galleries, with roofs almost beyond reach, with no regard paid to leaving proper pillar supports, either by location or distance, are to be found in these mines. Fortunately much of such dangerous ground has been abandoned, and the new development carried on under a more careful and safe system.

The development of zinc and copper bearing veins, in the counties of Ulster and Orange, are progressing slowly with fair prospects.

The mining of pyrites is carried on in one or two localities of the State with varied success.

The marble quarries of our State deserve more than a passing notice. The present owners of the South Dover marble quarries have largely increased their output in the past two years, and are placing on the market a white marble of excellent quality.

The marble quarries of Gouverneur, St. Lawrence county, are fast gaining ground in point of production. As the quality of these marbles becomes better known, their stability for structural and monumental work, freedom from mineral stain, etc., the field for the distribution of the many varieties found in this locality should not fail to increase the present output.

In comparing the report of 1903 with the work done in 1904, it is found

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the inspections of the stone quarries were 73 for 1903, as against 86 for 1904, and the wage earners 3,013 and 2,695, respectively. Some larger open quarries, included in the report for 1903, were not inspected during the year 1904, which will account for the apparent falling off in the number of employees for the latter year.

Of the talc, garnet, graphite, rock salt group, which shows a decrease for 1904 in the number on payrolls, the talc and garnet properties were not inspected in 1904 for the reason that upon my arrival at the talc mines, which work would close my inspection tour for the year 1904, I was unable to perform any service owing to sudden and somewhat lengthy illness.

With a falling off in the number of hematite iron mines in operation, and reasons given in the stone, talc and other industries, the seeming decrease in the total number employed is fully accounted for.

With few exceptions the operators and the inspector are in accord, and many operators welcome the inspector's visits and gladly receive orders and suggestions for improved measures; and also solicit his views regarding improved machinery for the greater safety and economy of production.

Since the amendment to the law relative to the employment of minors has been called to the attention of the mine operators, in some few instances much feeling has been engendered, and doubtless many violations will exist, owing to the isolation of the mines and quarries in remote places and at great distances from the boards of health and health officers.

While every effort has been and will continue to be exerted by the deputy mine inspector to enforce the law and perform his full duty to the operatives, for the reduction of danger from accident, it must be said that many accidents in the past are attributable to carelessness on the part of the person injured.

Under the present system of recording accidents it is not entirely convenient to report the number of accidents that occurred in the mines and quarries of this State during the year 1904.

Respectfully submitted.

C. M. GILMORE,  
*Deputy Mine Inspector.*

### COMPLAINTS.

The total number of complaints received by the Bureau during the past year was 1006. This total is exclusive of the complaints received in relation to the Eight Hour and Alien Labor Law, which complaints are referred to elsewhere. This is a slight increase over the number (929) filed during the year 1903. The increase was due to the fact that the amendments to the child labor law became operative on October 1, 1903, and complaints relative to that subject increased about one hundred per cent.

Many of these complaints are anonymous and are evidently the product of spite and a desire for revenge. The Bureau however has adopted the policy of investigating all complaints received, regardless of the motive of the complainant, for the reason that it frequently occurs that the party making complaint would suffer if, perchance, the source of complaint became known to the manufacturer complained of.

Of the 1006 complaints received, 54 per cent. were fully sustained, 3 per cent. partially sustained, while a fraction less than 40 per cent. were not



sustained, and less than 4 per cent. of the complaints were against concerns that were either closed at time of inspection or had removed.

The principle subjects relating to which complaints were filed were sanitation of buildings and safety appliances, illegal employment of children, illegal employment of women and minors, tenement work and bakeries. Out of 345 complaints regarding sanitation and safety, 216 were sustained; regarding the illegal employment of children, 128 complaints were sustained out of 241 complaints investigated; the result in regard to the illegal employment of women and minors was 26 complaints sustained out of 56 investigated; the number of complaints relating to tenement work was 234, out of which 124 were sustained, while out of 104 complaints relating to bakeries, 67 were sustained.

#### PROSECUTIONS.

We again repeat what we wrote last year, that "effective administration of corrective legislation cannot be secured without recourse to the courts," and "that the proceedings be made as public as circumstances and conditions will permit, thereby supplementing punitive action with the moral effect of publicity."

During 1904 the Bureau undertook the prosecution of 49 cases, of which 25 resulted in conviction (aggregate amount of fines imposed being \$630), while 24 were either dismissed by the police magistrates or acquitted after trial. We feel it unnecessary to repeat in full what was written last year regarding the result of our court proceedings in certain sections of the State. It is however a lamentable fact that so little attention is given our cases by those who are clothed with the power of making effective every provision of our law. This Bureau should not be held responsible for failure to secure a much larger percentage of convictions. Our inspectors are, without exception, very earnest in their endeavors to present clear and convincing proof of the guilt of parties brought to court; when that is done their duty is fully performed. The disposition of their cases is beyond their control. The condition of which we complain will not be improved until we have in this State an awakened public conscience which will force upon those dealing with this phase of our problem the necessity of more stringent action.

The following is a list of the prosecutions brought to a definite result within the year. One or two additional cases were begun in the year, but were still pending at its close.

- L. A. Havens vs. James Fetzer of 18 Cherry street, New York. Employing boy under 16 years of age without certificate. Warrant obtained July 6, 1903. Arrested after four trials July 7th. Paroled until July 8th. July 8th held in \$100 bail for trial. July 13th, pleaded not guilty. November 20, 1903, convicted in Court of Special Sessions and sentence suspended.
- D. J. Hanlon vs. Morris Klein of 155 Goerck street, New York. Having goods finished in unlicensed tenement workrooms. Warrant obtained July 13, 1903. Arraigned July 14th, held in \$100 bail for trial. November 20, 1903, in Court of Special Sessions, discharged. Court decided that the only punishment provided for in law is section 102, that work was tagged and must not be sold or exposed for sale.
- D. J. Hanlon vs. Morris Weintraub of 22 Allen street, New York. Failure to repair, paint, clean and keep water closets in clean condition. War-

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rant obtained July 29, 1903. July 30th arrested and held in \$100 bail for examination on July 31, 1903. July 31st held in \$100 bail for trial at Court of Special Sessions. August 5, 1903, case up for pleading; case went over for trial; no date. November 20, 1903, Court of Special Sessions, did not appear for trial, off without date. February 3, 1904, Court of Special Sessions, bail forfeited for non-appearance. February 10, 1904, trial off, no date, defendant did not appear.

D. J. Hanlon vs. Morris Weintraub of 22 Allen street, New York. No fire escape. Warrant obtained July 29, 1903. Arrested July 30, 1903, held in \$100 bail for examination July 31st. July 31st held in \$100 bail for trial at Court of Special Sessions. August 5th, Special Sessions Court; case up for pleading; trial to be later; no date. November 20, 1903, Court of Special Sessions; did not appear for trial; off without date. February 3, 1904, Court of Special Sessions; bail forfeited for non-appearance. February 10, 1904, trial went over as defendant did not appear.

Warrant obtained August 5, 1903. D. J. Hanlon vs. Philip Mastviliaky of 57 Allen street, New York. Failure to limewash and paint workrooms, halls, water closets, etc. Held in \$50 bail for trial at Court of Special Sessions. November 20, 1903, did not appear for trial; off without date. February 3, 1904, Court of Special Sessions, pleaded guilty, complied and sentence suspended.

Warrant obtained August 26, 1903. D. J. Hanlon vs. Max Lindner of 171 Attorney street, New York. Refusing to provide ventilation. Held in \$100 bail for trial at Special Sessions (August 27, 1903). February 3, 1904, bail forfeited for non-appearance.

Warrant obtained August 26, 1903. C. L. Halberstau vs. Isidor Baylis of 96 Cannon street, New York. Employing child between 14 and 16 years of age without certificate. August 20th held in \$100 bail for trial. February 3, 1904, Court of Special Sessions, convicted, fined \$20.

Warrant September 8, 1903. D. J. Hanlon vs. Isaac Greenspan, 66 Clinton street, New York. Failure to limewash walls and ceilings. September 9, 1903, defendant held in \$100 bail for trial. February 3, 1904, Court of Special Sessions, convicted and fined \$20.

Warrant obtained October 1, 1903. L. F. Foster vs. Angelo Alpi, of 69 West Houston street, New York. Giving out work to be finished in unlicensed workrooms. Arrested October 2, 1903. Hearing adjourned until October 5, 1903. Defendant held in sum of \$300 bail. October 5th Judge Poole heard evidence. Hearing adjourned to October 7th. Case called October 7th and defendant held in \$500. Court of Special Session: October 15th, defendant pleaded not guilty. November 5th, case adjourned at request of counsel for defendant. November 11, case tried; decision reserved until November 14th. November 14th, no decision; postponed until November 16th. November 16th, no decision; postponed until November 18th. November 18th, no decision; postponed indefinitely. December 2d, defendant found guilty. Counsel for defendant moved for new trial. Motion denied; asked that sentence be suspended until December 4th, granted. December 4, 1903, fined \$25, or ten days in city prison. Paid fine.

Warrant obtained October 1, 1903. W. W. Walling vs. Max Kaufman of

18 and 20 Jackson street, New York. Failure to ventilate water closets and to provide water to properly flush same. October 3, 1903, held in \$100 bail. October 7th, pleaded not guilty. October 28th, Court of Special Sessions; adjourned. February 3, 1904, acquitted; lessee not responsible.

Warrant October 1, 1903. W. W. Walling vs. Morris Horowitz of 486 Water street, New York city. Failure to provide constant supply of water to properly flush water closets. October 3, 1903, Essex Market Court, held in \$100 bail. October 7, 1903, Special Sessions Court, pleaded not guilty. February 3, 1904, found guilty; fined \$25 or 5 days in city prison.

Warrant October 26, 1903. G. L. Horn vs. Robert Greenberg of 669 Bushwick avenue, Brooklyn. Giving out work to be finished in unlicensed workrooms. January 15, 1904, fined \$20. Paid fine.

Warrant October 26, 1903. C. L. Halberstadt vs. Morris Albert of No. 52 Elizabeth street, New York. Employing child between 14 and 16 years of age without certificate. Held in \$100 bail for trial. February 3, 1904, in Court of Special Sessions, discharged.

Warrant October 26, 1903. C. L. Halberstadt vs. Morris Albert of No. 52 Elizabeth street, New York. Employing children between 14 and 16 years of age without certificate. Held in \$100 bail. February 3, 1904, Court of Special Sessions, discharged on his own recognizance. Witness, mother and child, could not be found.

Warrant October 26, 1903. C. L. Halberstadt vs. Morris Albert of No. 52 Elizabeth street, New York. Failure to clean and keep clean water closets used by employees. October 27, 1903, held in \$100 bail for trial. February 3, 1904, Court of Special Sessions, discharged.

Warrant October 26, 1903. L. A. Havens vs. Isador Epstein of No. 159 Ludlow street, New York. Giving goods to be finished in unlicensed workrooms. October 27, 1903, held in \$100 bail for examination. October 28th, held for trial; \$300 bail. November 4, 1903, pleaded not guilty, Court of Special Sessions. November 10, 1904, tried and case dismissed.

Warrant October 29, 1903. C. L. Halberstadt vs. Isidor Lessem of No. 82 Bowery, New York. Employing child between 14 and 16 years of age without certificate. Arraigned October 29th and held in \$100 bail. February 10, 1904, Court of Special Sessions, witnesses did not appear. Discharged on his own recognizance.

Warrant November 5, 1903. D. J. Hanlon vs. J. Rudnick & N. Lakin of 34 and 36 Cooper Square, New York. Employing child between 14 and 16 years of age without certificate. November 11, 1903, \$50 bail each for trial. November 16th, pleading, Court of Special Sessions. March 8, 1904, convicted; fined \$20 each or ten days in city prison.

Warrant November 5, 1903. D. J. Hanlon vs. J. Rudnick & N. Lakin of 34 and 36 Cooper Square, New York. Employing child between 14 and 16 years of age without certificate. November 11th, \$50 bail each for trial. November 16th, pleading, Court of Special Sessions. March 8, 1904, pleaded guilty; sentence suspended.

M. Finn vs. Abraham Brown of 55 Great Jones street, New York. Giving work to unlicensed premises. November 22, convicted in Court of Special Sessions and fined \$30. Paid.

Warrant December 15, 1903. W. W. Walling vs. Jacob Weinberg of No. 306 Bowery, New York. Failure to properly light halls and stairs in

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- building No. 7 Bleecker street (agent or lessee). Held in \$100 bail for Court of Special Sessions. December 22, 1903, Court of Special Sessions, pleading, not guilty. February 10, 1904, Special Sessions for trial. Defendant failed to appear. February 16, 1904, Special Sessions, acquitted.
- Warrant December 15, 1903. W. W. Walling vs. Jacob Weinberg of 306 Bowery, New York. Failure to clean and keep clean closets in building No. 7 Bleecker street (agent or lessee). Held in \$100 bail for Court of Special Sessions. December 22, 1903, Court of Special Sessions, pleading, not guilty. February 10, 1904, Special Sessions for trial. Defendant failed to appear. February 16, 1904, Special Sessions, acquitted.
- Warrant January 7, 1904. W. W. Walling vs. Abraham Rosen of No. 91 University Place, New York. Locking and fastening doors leading to north stairway during working hours. Held in \$100 bail for Special Sessions. January 12, 1904, in Special Sessions, pleaded not guilty. February 10, 1904, found guilty; fined \$10.
- January 11, 1904, warrant. W. W. Walling vs. Max Rosh of 1615-1617 Second avenue, New York. Failure to provide and maintain suitable fire escape on outside of his factory. Arraigned before Justice Barlow in Yorkville court. Pledaded guilty, but claimed that ladder was now in position. Sentence was suspended.
- Warrant January 27, 1904. W. W. Walling vs. Elias Reiss of 300 and 302 Monroe street, New York. Employing Mary Mazziotta, between 14 and 15 years of age without certificate. Defendant acquitted as Magistrate Zeller held this was but a technical violation.
- Warrant January 27, 1904. W. W. Walling vs. Elias Reiss of 300 and 302 Monroe street, New York. Employing Katie Mazziotta, a girl under 16 years of age, without certificate. Case called at 10 a. m. and adjourned to 2 p. m. Defendant acquitted as Magistrate Zeller held that this was a mere technical violation and he dispensed "substantial justice."
- Warrant January 27, 1904. W. W. Walling vs. Elias Reiss of 300 and 302 Monroe street, New York. Child under 16 years of age working to exceed nine hours per day. January 27th, 10 a. m., case adjourned to 2 p. m. January 27th, 2 p. m., hearing adjourned until 2 p. m. January 28th. January 28th, 2 p. m., complaint dismissed for lack of evidence. All proceedings before Magistrate Zeller.
- Warrant January 27, 1904. W. W. Walling vs. Elias Reiss of 300 and 302 Monroe street, New York. Failure to keep in office of factory a record or register of name, birthplace, age and residence of all children employed who are under the age of 16 years. January 27, 1904, defendant acquitted as Magistrate Zeller held that it was a mere technical violation.
- Warrant January 26, 1904. C. B. Ash vs. Louis Merisch of 96 Monroe street, New York. Failure to provide an impermeable floor in bakeroom at No. 96 Monroe street, of which property he is owner. January 26th, arraigned in Essex Court. January 28th, hearing in Essex Court. February 4th, case dismissed as order had been complied with.
- Warrant obtained February 2, 1904. C. L. Halberstadt vs. Aaron Lafo of 145-147 Mulberry street, New York city. Failure to paint ceiling and boarded walls and whitewash brick walls of factory. February 3, 1904, arraigned, claimed work ordered. Given twenty-four hours to comply. February 4, 1904, re-arraigned. Work being done. Adjourned to Febru-

ary 8, 1904. February 8, 1904, orders complied with. Defendant discharged.

Warrant obtained February 3, 1904. M. J. Flanagan vs. B. Biderman of Peltz & Biderman of 2-6 Lispenard street, New York city. Employing child under 16 years of age without certificate. February 10, 1905, pleaded guilty. February 18, 1904, for sentence, fined \$25.

Warrant obtained February 9, 1904. L. A. Havens vs. Antonio Fiori of 685 Ninth avenue, Long Island City, borough of Queens. Failure to provide hood over oven door. February 11, 1904, held in \$100 bail for trial. February 23, 1904, convicted and fined \$20.

Warrant obtained February 10, 1904. James Davie vs. Rosa Pistone of 3170 Jerome avenue, New York city. Failure to ventilate bakeroom. February 11 and 25, 1904. Dismissed as the order was complied with.

Warrant obtained February 10, 1904. James Davie vs. J. C. Stark of Baychester, N. Y. Failure to increase height of bakeroom. February 11, 18 and 25, 1904, held for Special Sessions. March 1, 1904, pleaded; March 15, 1904, found guilty. Fined \$20.

Warrant obtained February 25, 1904. C. L. Halberstadt vs. David Cohen of 17 Elizabeth street, New York city. Failure to provide new seats in water-closets. February 26, 1904, appeared, claimed work being done. Adjourned to February 29, 1904. February 29, 1904, work done; discharged.

Warrant obtained February 25, 1904. C. L. Halberstadt vs. David Cohen of 15 Elizabeth street, New York city. Failure to provide gas light in hallways. February 26, 1904, appeared, claimed work being done. Adjourned to February 29, 1904. February 29, 1904, work done; discharged.

Warrant obtained February 29, 1904. W. W. Walling vs. Morris Steinberg et al. of 74 Goerck street, New York city. Employing child under 16 years of age without certificate. City Magistrate's Court, Third District, March 1st, adjourned to March 2nd. March 2, 1904, adjourned to March 4, 1904. March 4, 1904, defendant discharged. Mother swore on trial in spite of affidavit that her son was over 16.

Warrant obtained February 29, 1904. W. W. Walling vs. Isaac Weinstein of 74 Goerck street, New York city. Employing child under 16 years of age without certificate. City Magistrate's Court, Third District, March 1, 1904, failed to appear. March 2, 1904, adjourned to March 4, 1904. March 4, 1904, defendant discharged.

Warrant obtained February 29, 1904. W. W. Walling vs. Julius Bagle of 139½ Madison street, New York city. Employing bakers over 10 hours daily. March 1, 1904, appeared. \$100 bail for Special Sessions Court. March 4, 1904, pleading, not guilty. March 15, 1904, trial, pleaded guilty as charged; sentence suspended.

Warrant obtained February 29, 1904. W. W. Walling vs. Hyman Goldfarb of 74 Goerck street, New York city. Employing child under 16 years of age without certificate. March 1, 1904, appeared. \$100 bail for Special Sessions Court. March 4, 1904, not in court when name was called. March 15, 1904, trial, found guilty. Fined \$20.

Warrant obtained February 29, 1904. W. W. Walling vs. Louis Morrison of 139 Madison street, New York city. Employing child under 16 years of age without certificate. March 1, 1904, appeared. \$100 bail for

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Special Sessions Court. March 4th, pleading, not guilty. March 15, 1904, trial, acquitted.

Warrant obtained February 29, 1904. W. W. Walling vs. Morris Steinberg et al. of 74 Goerck street, New York city. Employing child under 12 years of age without certificate. March 1st adjourned to March 2, 1904. March 2, 1904, adjourned to March 4, 1904. March 4, 1904, adjourned to 23rd, Yorkville Court. March 23rd, adjourned to April 7, 1904. April 7th, each held in \$100 bail. April 12th, not guilty. May 5th, adjourned. May 10th, adjourned. May 11, 1904, acquitted.

Warrant obtained February 29, 1904. W. W. Walling vs. Morris Steinberg et al. of 74 Goerck street, New York city. Employing child under 16 years of age without certificate. March 1st adjourned to March 2, 1904. March 2, 1904, adjourned to March 4, 1904. March 4, 1904, adjourned to 23rd, Yorkville Court. March 23rd, adjourned to April 7, 1904. April 7th, each held in \$100 bail. April 12th, not guilty. May 5th, adjourned. May 10th, adjourned. May 11th, acquitted.

Warrant obtained March 1, 1904. W. W. Walling vs. Ascher Pestky of 8 Cannon street, New York city. Employing child under 16 years of age without certificate. March 2, 1904, appeared. \$100 bail for Special Sessions. March 4, 1904, pleading, not guilty. March 15, 1904, trial; pleaded guilty as charged; sentence suspended.

Warrant obtained March 2, 1904. L. A. Havens vs. Aaron H. Sherwin of 14 W. Fourth street, New York city. Keeping door locked during working hours. March 2, 1904, appeared, held in \$200 bail for trial. March 4, 1904, pleaded not guilty. March 15, 1904, trial; pleaded guilty. Fined \$20 or five days.

Warrant obtained March 5, 1904. W. W. Walling vs. Leon Levine of 653 Broadway, New York city. Employing child under 16 years of age without certificate. March 7, 1904, appeared. \$300 bail for Special Sessions. March 10th, demurrer filed. March 28th, court adjourned on account of death. March 30th, pleading, not guilty. April 6, 1904, trial; defendant pleaded guilty; sentence suspended.

Warrant obtained March 15, 1904. C. L. Halberstadt vs. Jacob Cymrot of 87 Bowery, New York city. Employing children between 14 and 16 without certificates. March 16, 1904, appeared. March 21, 1904, arraigned, held in \$100 bail for trial in Special Sessions Court. March 24, 1904, pleading, not guilty. April 11, 1904, trial. Fined \$30.

Warrant obtained June 1, 1904. M. J. Flanagan vs. Louis Liberman of 620 Flushing avenue, Brooklyn, N. Y. Giving out work to be finished in unlicensed workrooms. June 2, 1904, date of appearance, adjourned for hearing on June 16, 1904. Held for Special Sessions Court. July 6, 1904, pleads not guilty. July 13, 1904, trial; found guilty. Fined \$25.

Warrant obtained June 20, 1904. W. W. Walling vs. Ludwig Zodikow of 334-340 Stanton street, New York city. Failure to provide exhaust fan. June 20th, hearing to defendant. Chance to comply given to June 24th. June 24th, adjourned to July 25th. July 25th adjourned to August 25th. August 25th, adjourned to September 9th. September 9, 1904, defendant reported compliance and was discharged.

JOHN WILLIAMS,

*First Deputy Commissioner of Labor.*



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**APPENDIX A.**

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**THE NEW YORK FACTORY LAW.**

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# ARTICLES OF THE GENERAL LABOR LAW TO BE ENFORCED BY THE BUREAU OF FACTORY INSPECTION OF THE DEPARTMENT OF LABOR.

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[The following is an abbreviated text of those sections of the New York Labor Law—chapter 415 of the Laws of 1897, constituting chapter 82 of the General Laws—which relate to factories, and which are posted in every factory in the State. In it are embodied amendments in force in the year covered by this report.]

## ARTICLE I—GENERAL PROVISIONS.

§ 1. Short title.—This chapter shall be known as the labor law.

§ 2. Definitions.—The term employee, when used in this chapter, means a mechanic, workingman or laborer who works for another for hire. The person employing any such mechanic, workingman or laborer, whether the owner, proprietor, agent, superintendent, foreman or other subordinate, is designated in this chapter as an employer. The term "factory" when used in this chapter, shall be construed to include also any mill, workshop or other manufacturing or business establishment where one or more persons are employed at labor. \* \* \* Whenever, in this chapter, authority is conferred upon the factory inspector, it shall also be deemed to include a deputy acting under his direction.

\* \* \* \* \*

§ 17. Seats for Female Employees.—Every person employing females in a factory, or as waitresses in a hotel or restaurant, shall provide and maintain suitable seats for the use of such female employees, and permit the use thereof by such employees to such an extent as may be reasonable for the preservation of their health.

As amended by chapter 533, Laws of 1900.

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## ARTICLE V—FACTORY INSPECTOR AND DEPUTIES.

§ 61. Deputies and Clerks.—The factory inspector may appoint, from time to time, not more than fifty persons as deputy factory inspectors, not more than ten of whom shall be women. \* \* \* The factory inspector may designate six or more of such deputies to inspect the buildings and rooms occupied and used as bakeries and to enforce the provisions of this chapter relating to the manufacture of flour or meal food products. One of such deputies shall have a knowledge of mining, whose duty it shall be, under the direction of the factory inspector, to inspect mines and quarries and to enforce the provisions of this chapter relating thereto. \* \* \*

As amended by chapter 192, Laws of 1899.

§ 62. **General Powers and Duties of Factory Inspector.**—\* \* \* The factory inspector shall visit and inspect, or cause to be visited and inspected, the factories, during reasonable hours, as often as practicable, and shall cause the provisions of this chapter to be enforced therein and prosecute all persons violating the same. Any lawful municipal ordinance, by-law or regulation relating to factories or their inspection in addition to the provisions of this chapter and not in conflict therewith, shall be observed and enforced by the factory inspector. The factory inspector and each deputy may administer oaths and take affidavits in matters relating to the enforcement of the provisions of this chapter. No person shall interfere with, obstruct or hinder, by force or otherwise, the factory inspector or deputies while in the performance of their duties, or refuse to properly answer questions asked by such officers pertaining to the provisions of this chapter. All notices, orders and directions of deputy factory inspectors given in accordance with this chapter are subject to the approval of the factory inspector.

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§ 67. **Duties of Factory Inspector Relative to Apprentices.**—The factory inspector and deputies shall enforce the provisions of the Domestic Relations Law, relative to indentures of apprentices, and prosecute employers for failure to comply with the provisions of such indentures and of such law in relation thereto.

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#### ARTICLE VI—FACTORIES.

§ 70. **Employment of Minors.**—No child under the age of fourteen years shall be employed, permitted or suffered to work in or in connection with any factory in this state. No child between the ages of fourteen and sixteen years shall be so employed, permitted or suffered to work unless an employment certificate issued as provided in this article shall have been theretofore filed in the office of the employer at the place of employment of such child.

As amended by chapter 184, Laws of 1903.

§ 71. **Employment Certificate, how Issued.**—Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides, or is to be employed, or by such other officer thereof as may be designated, by such board, department or commissioner for that purpose, upon the application of the parent or guardian or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has received, examined, approved, and filed the following papers duly executed: (1) The school record of such child properly filled out and signed as provided in this article. (2) A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics,

or other officer charged with the duty of recording births shall be conclusive evidence of the age of such child. (3) The affidavit of the parent or guardian or custodian of the child, which shall be required, however, only in case such last mentioned transcript of the certificate of birth be not produced and filed, showing the place and date of birth of such child which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child farther has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age, or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued.

As amended by chapter 184, Laws of 1903.

§ 72. Contents of Certificate.—Such certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and been examined.

As amended by chapter 184, Laws of 1903.

§ 73. School Record, what to Contain.—The school record required by this article shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished, on demand, to a child entitled thereto or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and thirty days during the school year previous to his arriving at the age of fourteen years or during the year previous to applying for such school record and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the age and residence of the child as shown on the records of the school and the name of its parent or guardian or custodian.

As amended by chapter 184, Laws of 1903.

§ 75. Report of Certificates Issued.—The board or department of health or health commissioner of a city, village or town, shall transmit, between the first and tenth day of each month, to the office of the factory inspector a list of the names of the children to whom certificates have been issued.

§ 76. Registry of Children Employed.—Each person owning or operating a factory and employing children therein shall keep, or cause to be kept

in the office of such factory, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificate filed in such office shall be produced for inspection, upon the demand of the commissioner of labor. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian.

As amended by chapter 184, Laws of 1903.

**§ 77. Hours of Labor of Minors and Women.**—No minor under the age of sixteen years shall be employed, permitted or suffered to work in any factory in this state before six o'clock in the morning, or after nine o'clock in the evening of any day, or for more than nine hours in any one day. No minor under the age of eighteen years, and no female shall be employed, permitted or suffered to work in any factory in this state before six o'clock in the morning, or after nine o'clock in the evening of any day; or for more than ten hours in any one day except to make a shorter work day on the last day of the week; or for more than sixty hours in any one week, or more hours in any one week than will make an average of ten hours per day for the whole number of days so worked. A printed notice, in a form which shall be prescribed and furnished by the commissioner of labor, stating the number of hours per day for each day of the week required of such persons, and the time when such work shall begin and end, shall be kept posted in a conspicuous place in each room where they are employed. But such persons may begin their work after the time for beginning and stop before the time for ending such work, mentioned in such notice, but they shall not otherwise be employed, permitted or suffered to work in such factory except as stated therein. The terms of such notice shall not be changed after the beginning of labor on the first day of the week without the consent of the commissioner of labor. The presence of such persons at work in the factory at any other hours than those stated in the printed notice shall constitute prima facie evidence of a violation of this section of the law.

As amended by Chapter 192 of the Laws of 1899 and chapter 184, Laws of 1903.

**§ 78. Change of Hours of Labor of Minors and Women.**—When in order to make a shorter workday on the last day of the week, a minor over sixteen and under eighteen years of age, or a female sixteen years of age or upwards, is to be required or permitted to work in a factory more than ten hours in a day, the employer of such person shall notify the commissioner of labor in writing, of such intention, stating the number of hours of labor per day, which it is proposed to require or permit, and the time when it is proposed to cease such requirement or permission; a similar notification shall be made when such requirement or permission has actually ceased. A record of the names of the employees thus required or permitted to work overtime, with the amount of such overtime, and the days upon which such work was performed, shall be kept in the office of such factory, and produced upon the demand of the commissioner of labor.

As amended by Chapter 192 of the Laws of 1899 and chapter 184, Laws of 1903.

**§ 79. Enclosure and Operation of Elevators and Hoisting Shafts, Inspection.**—If, in the opinion of the factory inspector, it is necessary to protect

the life or limbs of factory employees, the owner, agent or lessee of such factory where an elevator, hoisting shafts, or well-hole is used, shall cause, upon written notice from the factory inspector, the same to be properly and substantially enclosed, secured or guarded, and shall provide such proper traps or automatic doors so fastened in or at all elevator ways, except passenger elevators enclosed on all sides, as to form a substantial surface when closed and so constructed as to open and close by action of the elevator in its passage either ascending or descending. The factory inspector may inspect the cable, gearing or other apparatus of elevators in factories and require them to be kept in a safe condition. No child under the age of fifteen years shall be employed or permitted to have the care, custody or management of or to operate an elevator in a factory, nor shall any person under the age of eighteen years be employed or permitted to have the care, custody or management of or to operate an elevator therein running at a speed of over two hundred feet a minute.

§ 80. **Stairs and Doors.**—Proper and substantial hand-rails shall be provided on all stairways in factories. The steps of such stairs shall be covered with rubber securely fastened thereon, if in the opinion of the factory inspector the safety of the employees would be promoted thereby. The stairs shall be properly screened at the sides and bottom. All doors leading in or to any such factory shall be so constructed as to open outwardly where practicable, and shall not be locked, bolted or fastened during working hours.

§ 81. **Protection of Employees Operating Machinery.**—The owner or person in charge of a factory where machinery is used, shall provide, in the discretion of the commissioner of labor, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. All vats, pans, saws, planers, cogs, gearing, belting, shafting, set-screws and machinery, of every description, shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to machinery, vats, or pans, while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced. Exhaust fans of sufficient power shall be provided for the purpose of carrying off dust from emery wheels, grind stones and other machinery creating dust. If a machine or any part thereof is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the commissioner of labor and a notice to that effect shall be attached thereto. Such notice shall not be removed until the machine is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used. When in the opinion of the commissioner of labor it is necessary, the workrooms, halls and stairs leading to the workrooms shall be properly lighted, and in cities of the first class, if deemed necessary by the commissioner of labor, a proper light shall be kept burning by the owner or lessee in the public hallways near the stairs upon the entrance floor and upon the other floors on every work day in the year, from the time when the building is opened for use in the morning until the time it is closed in the evening, except at times when the influx of natural light shall make artificial light unnecessary. Such lights to be independent of the motive power of such factory. No male person

under eighteen years or woman under twenty-one years of age shall be permitted or directed to clean machinery while in motion. Children under sixteen years of age shall not be permitted to operate or assist in operating dangerous machines of any kind.

As amended by chapter 192, Laws of 1899; and by chapter 291, Laws of 1904, in force April 18, 1904.

§ 82. **Fire Escapes.**—Such fire escapes as may be deemed necessary by the factory inspector shall be provided on the outside of every factory in this state consisting of three or more stories in height. Each escape shall connect with each floor above the first, and shall be of sufficient strength, well fastened and secured, and shall have landings or balconies not less than six feet in length and three in width, guarded by iron railings not less than three feet in height, embracing at least two windows at each story and connected with the interior by easily accessible and unobstructed openings. The balconies or landings shall be connected by iron stairs, not less than eighteen inches wide, with steps of not less than six inches tread, placed at a proper slant and protected by a well-secured handrail on both sides, and shall have a drop ladder not less than twelve inches wide reaching from the lower platform to the ground. The windows or doors to the landing or balcony of each fire escape shall be of sufficient size and located as far as possible, consistent with accessibility, from the stairways and elevator hatchways or openings, and a ladder from such fire escape shall extend to the roof. Stationary stairs or ladders shall be provided on the inside of every factory from the upper story to the roof, as a means of escape in case of fire.

§ 83. **Factory Inspector May Order Erection of Fire Escapes.**—Any other plan or style of fire escape shall be sufficient if approved in writing by the factory inspector. If there is no fire escape, or the fire escape in use is not approved by the factory inspector, he may, by written order served upon the owner, proprietor or lessee of any factory, or the agent or superintendent thereof, or either of them, require one or more fire escapes to be provided therefor, at such locations and of such plan and style as shall be specified in such order. Within twenty days after the service of such order the number of fire escapes required therein shall be provided, each of which shall be of the plan and style specified in the order, or of the plan and style described in the preceding section.

§ 84. **Walls and Ceilings.**—The walls and ceilings of each workroom in a factory shall be lime-washed or painted, when, in the opinion of the factory inspector, it will be conducive to the health or cleanliness of the persons working therein.

§ 85. **Size of Rooms.**—No more employees shall be required or permitted to work in a room in a factory between the hours of six o'clock in the morning and six o'clock in the evening than will allow to each of such employees not less than two hundred and fifty cubic feet of air space; and, unless by a written permit of the factory inspector, not less than four hundred cubic feet for each employee so employed between the hours of six o'clock in the evening and six o'clock in the morning, provided such room is lighted by electricity at all times during such hours while persons are employed therein.

§ 86. **Ventilation.**—The owner, agent or lessee of a factory shall provide, in each workroom thereof, proper and sufficient means of ventilation; in case of failure the factory inspector shall order such ventilation to be provided. Such owner, agent or lessee, shall provide such ventilation within twenty days after the service upon him of such order, and, in case of failure, shall forfeit to the people of the state ten dollars for each day after the expiration of such twenty days, to be recovered by the factory inspector in his name of office.

§ 87. **Accidents to be Reported.**—The person in charge of any factory shall report in writing to the factory inspector all accidents or injuries sustained by any person therein within forty-eight hours after the time of the accident, stating as fully as possible the extent and cause of the injury, and the place where the injured person has been sent, with such other information relative thereto as may be required by the factory inspector who may investigate the cause of such accident, and require such precautions to be taken as will, in his judgment, prevent the recurrence of similar accidents.

§ 88. **Wash-room and Water-Closets.**—Every factory shall contain a suitable, convenient and separate water-closet or water-closets for each sex, which shall be properly screened, ventilated, and kept clean and free from all obscene writing and markings; and also, a suitable and convenient wash-room. The water-closets used by women shall have separate approaches. Inside closets shall be maintained whenever practicable and in all cases when required by the commissioner of labor. When women or girls are employed, a dressing-room shall be provided for them, when required by the commissioner of labor.

As amended by chapter 306, Laws of 1901.

§ 89. **Time Allowed for Meals.**—In each factory at least sixty minutes shall be allowed for the noon-day meal, unless the factory inspector shall permit a shorter time. Such permit must be in writing and conspicuously posted in the main entrance of the factory, and may be revoked at any time. Where employees are required or permitted to work overtime for more than one hour after 6 o'clock in the evening, they shall be allowed at least twenty minutes to obtain a lunch before beginning to work overtime.

§ 90. **Inspection of Factory Buildings.**—The factory inspector, or other competent person designated by him, upon request, shall examine any factory outside of the cities of New York and Brooklyn, to determine whether it is in a safe condition. If it appears to him to be unsafe, he shall immediately notify the owner, agent or lessee thereof, specifying the defects, and require such repairs and improvements to be made as he may deem necessary. If the owner, agent or lessee shall fail to comply with such requirement, he shall forfeit to the people of the state the sum of fifty dollars, to be recovered by the factory inspector in his name of office.

§ 91. **Inspection of Boilers in Factories.**—All boilers used for generating steam or heat for factory purposes shall be kept in good order, and the owner, agent, manager or lessee of such factory shall have such boilers inspected by a competent person approved by the factory inspector, once



in six months, and shall file a certificate showing the result thereof in such factory office and a duplicate thereof in the office of the factory inspector. Each boiler or nest of boilers used for generating steam or heat for factory purposes shall be provided with a proper safety-valve and with steam and water gauges, to show respectively the pressure of steam and the height of water in the boilers. Every boiler-house in which a boiler or nest of boilers is placed, shall be provided with a steam gauge properly connected with the boilers, and another steam gauge shall be attached to the steam pipe in the engine house, and so placed that the engineer or fireman can readily ascertain the pressure carried. Nothing in this section shall apply to boilers in factories which are regularly inspected by competent inspectors acting under the authority of local laws or ordinances.

New section added by chapter 192, Laws of 1899.

§ 92. **Laundries.**—A shop, room or building where one or more persons are employed in doing public laundry work by way of trade or for purpose of gain is a factory within the meaning of this chapter, and shall be subject to the visitation and inspection of the factory inspector, and the provisions of this chapter in the same manner as any other factory. No such public laundry work shall be done in a room used for a sleeping or living room. All such laundries shall be kept in a clean condition and free from vermin and all impurities of an infectious or contagious nature. This section shall not apply to any female engaged in doing custom laundry work at her home for a regular family trade.

New section added by chapter 477, Laws of 1901.

§ 93. **Employment of Women and Children at Polishing or Buffing.**—No male child under the age of 18 years, nor any female, shall be employed in any factory in this state in operating or using any emery, tripoli, rouge, corundum, stone, carborundum or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or of iridium are manufactured. The owner, agent or lessee of a factory who employs any such person in the performance of such work is guilty of a misdemeanor and upon conviction thereof shall be fined the sum of fifty dollars for each such violation. The commissioner of labor, his assistants and deputies, shall enforce the provisions of this section.

Added by L. 1899, ch. 375; renumbered by L. 1901, ch. 478; amended and renumbered by L. 1903, ch. 561.

#### ARTICLE VII—TENEMENT-MADE ARTICLES.

§ 100. **Manufacturing, Altering, Repairing or Finishing Articles in Tenements.**—No room or apartment in any tenement or dwelling house, or in a building situated in the rear of any tenement or dwelling house, shall be used for the purpose of manufacturing, altering, repairing or finishing therein any coats, vests, knee-pants, trousers, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, dresses, waists, waist bands, underwear, neck-wear, furs, fur trimmings, fur garments, skirts, shirts, purses, feathers, artificial flowers, cigarettes, cigars or umbrellas, unless a license is secured therefor as provided in this article. But nothing herein contained shall

apply to collars, cuffs, shirts or shirt waists made of cotton or linen fabrics that are subjected to the laundrying process before being offered for sale. Application for such a license shall be made to the factory inspector by any family or a member thereof desiring to manufacture, alter, repair or finish any of such articles in any room or apartment in any tenement or dwelling house, or by any person desiring to perform such work in any building in the rear of any tenement or dwelling house. Such application shall describe the room or apartment, shall specify the number of persons to be employed therein, and shall be in such form as the factory inspector may determine. Blank application shall be prepared and furnished by the factory inspector. Before any such license is granted, an inspection of the room, apartment or building sought to be licensed must be made by the factory inspector. If the factory inspector ascertain that such room, apartment or building is in a clean and proper sanitary condition and that the articles specified in this section may be manufactured therein under clean and healthful condition, he shall grant a license permitting the use of such room, apartment or building for the purpose of manufacturing, altering, repairing or finishing such articles. Each license shall state the maximum number of persons who may be employed in the room or rooms to which such license relates. The number of persons to be so employed shall be determined by the number of cubic feet of air space contained in each room or apartment mentioned in such license, allowing not less than two hundred and fifty cubic feet for each person employed between the hours of 6 o'clock in the morning and 6 o'clock in the evening; and, unless by a special written permit of the factory inspector, not less than four hundred cubic feet for each person employed therein between the hours of 6 o'clock in the evening and 6 o'clock in the morning, but no such permit shall be issued unless such room or apartment is lighted by electricity or other suitable light, at all times during such hours while such persons are employed therein. Such license must be framed and posted in a conspicuous place in each room or apartment to which it relates. It may be revoked by the factory inspector if the health of the community or of the employees require it, or if it appears that the rooms or apartments to which such license relates are not in a healthy and proper sanitary condition. Every room or apartment in which any of the articles named in this section are manufactured, altered, repaired or finished shall be kept in a clean and sanitary condition and shall be subject to inspection and examination by the factory inspector, for the purpose of ascertaining whether said garments or articles or any part or parts thereof are clean and free from vermin and every matter of an infectious or contagious nature. No person shall hire, employ or contract with any member of a family, or any person not holding a license therefor, to manufacture, alter, repair or finish, any of the articles named in this section in any room or apartment in any tenement or dwelling house or in any room or apartment in any building situated in the rear of a tenement or dwelling house as aforesaid. This section shall not prevent the employment of a tailor or seamstress by any person or family for the purpose of making, altering, repairing or finishing any article of wearing apparel for such person or for family use.

As amended by chapter 191, Laws of 1899.

§ 101. Register of Persons to Whom Work is Given.—Persons contracting for the manufacturing, altering, repairing or finishing of any of the articles mentioned in section one hundred of this act, or giving out material from which they or any part of them are to be manufactured, altered, repaired or finished, shall keep a register of the names and addresses, plainly written in English, of the persons to whom such articles or materials are given to be so manufactured, altered, repaired or finished or with whom they have contracted to do the same. Such register shall be subject to inspection by the factory inspector, and a copy thereof shall be furnished on his demand.

As amended by chapter 191, Laws of 1899.

§ 102. Goods Unlawfully Manufactured to be Labeled.—Articles manufactured, altered, repaired or finished contrary to the provisions of section one hundred of this chapter shall not be sold or exposed for sale by any person. The factory inspector shall conspicuously affix to any such article found to be unlawfully manufactured, altered, repaired or finished a label containing the words "tenement-made" printed in small pica capital letters on a tag not less than four inches in length. The factory inspector shall notify the person owning or alleging to own such article that he has so labeled it. No person, except the factory inspector, shall remove or deface any tag or label so affixed.

As amended by chapter 191, Laws of 1899.

§ 103. Powers and Duties of Boards of Health Relative to Tenement-Made Articles.—If the factory inspector finds evidence of disease present in a workshop or in a room or apartment in a tenement or dwelling house or in any room or apartment of a building in the rear of a tenement or dwelling house, in which any of the articles named in section one hundred of this chapter are manufactured, altered, repaired or finished or in process thereof he shall affix to such articles the label prescribed in the preceding section, and immediately report to the local board of health who shall disinfect such articles, if necessary, and thereupon remove such label. If the factory inspector finds that infectious or contagious diseases exist in a workshop, room or apartment of a tenement or dwelling house or of a building in the rear thereof, in which any of the articles specified in section one hundred of this chapter are being manufactured, altered, repaired or finished, or that articles manufactured or in process of manufacture therein are infected, or that goods used therein are unfit for use, he shall report to the local board of health, and such board shall issue such order as the public health may require. Such board may condemn and destroy all such infected articles or articles manufactured or in the process of manufacture under unclean or unhealthful conditions.

As amended by chapter 191, Laws of 1899.

§ 104. Inspection of Articles Manufactured in Other States.—Whenever it is reported to the factory inspector that any of the articles named in section one hundred of this chapter are being shipped into this state, having previously been manufactured in whole or in part under unclean, unsanitary or unhealthy conditions, said inspector shall examine said articles and the conditions of their manufacture, and if upon such examination said goods or any part of them are found to contain vermin or to have been manufactured in improper places or under unhealthy conditions, he shall

forthwith affix to them the tag or label hereinbefore described and report thereof to the local board of health, which board shall thereupon make such order or orders as the public safety may require.

New section added by chapter 191, Laws of 1899.

§ 105. Owners of Tenement and Dwelling Houses not to Permit the Unlawful Use Thereof.—The owner, lessee or agent of a tenement or dwelling house or of a building in the rear of a tenement or dwelling house shall not permit the use thereof for the manufacture, repair, alteration or finishing of any of the articles mentioned in this article contrary to its provisions. If a room or apartment in such tenement or dwelling house, or in a building in the rear of a tenement or dwelling house be so unlawfully used, the factory inspector shall serve a notice thereof upon such owner, lessee or agent. Unless such owner, lessee or agent shall cause such unlawful manufacture to be discontinued within thirty days after the service of such notice, or, within fifteen days thereafter, institutes and faithfully prosecutes proceedings for the dispossession of the occupant of a tenement or dwelling house, or of a building in the rear of a tenement or dwelling house who unlawfully manufactures, repairs, alters or finishes such articles in any room or apartment therein, he shall be deemed guilty of a violation of this article, as if he, himself, was engaged in such unlawful manufacture, repair, alteration or finishing. The unlawful manufacture, repair, alteration or finishing of any of such articles by the occupant of a room or apartment of a tenement or dwelling house, or of a building in the rear of a tenement or dwelling house shall be a cause for dispossessing such occupant by summary proceedings to recover possession of real property, as provided in the code of civil procedure.

As amended by chapter 191, Laws of 1899.

§ 106. Copy of Articles to be Posted.—A copy of articles five, six and seven shall be posted in a conspicuous place in each workroom of every factory where persons are employed who are affected by the provisions thereof.

## PENAL CODE RELATIVE TO VIOLATIONS OF THE PROVISIONS OF THE LABOR LAW.

[CHAPTER 416, LAWS OF 1897, AS AMENDED BY CHAPTER 280 OF THE LAWS OF 1903.]

Section 384-1. Violations of Provisions of Labor Law.—Any person who violates or does not comply with:

1. The provisions of article six of the labor law, relating to factories;
2. The provisions of article seven of the labor law, relating to the manufacture of articles in tenements;
3. The provisions of article eight of the labor law, relating to bakeries and confectionery establishments, the employment of labor and the manufacture of flour or meal food products therein;

\* \* \* \* \*

5. \* \* \* \* \* is guilty of a misdemeanor, and upon conviction shall be punished for a first offense by a fine of not less than twenty nor more than one hundred dollars; for a second offense by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred and fifty dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

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*The above is hereby certified to be a true copy from the laws relating to factory inspection.*

JOHN McMACKIN,

*Commissioner of Labor.*

JOHN WILLIAMS,

*First Deputy Commissioner of Labor.*

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**APPENDIX B.**

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**STATISTICAL TABLES.**

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TABLE I.—MONTHLY SUMMARY OF WORK

	FISCAL				
	Oct.	Nov.	Dec.	Jan.	Feb.
<b>Inspections of—</b>					
Factories.....	2,158	1,629	2,791	2,280	2,532
Tenement shops (front).....	79	69	102	156	132
Tenement shops (rear).....	33	18	42	97	55
Bakeries and confectionery establishments.....	135	84	242	232	306
Mines and quarries.....					
Tenement workrooms (licensed).....	352	163	262	165	133
Tenement workrooms (unlicensed).....	16	8	13	15	10
Tenement workplaces (preliminary to licensing).....	1,112	837	854	809	685
Tenement workplaces (second applications).....	38	47	39	27	38
Tenement workplaces (refused licenses).....	70	140	79	88	82
Total inspections.....	3,993	2,995	4,424	3,869	3,973
<b>Places visited but found closed, burned, etc.—</b>					
Factories and shops.....	184	137	318	326	280
Tenement workrooms.....	148	126	195	171	113
Tenement workplaces seeking license.....	182	198	149	90	58
<b>Investigation of—</b>					
Accidents.....	7	1	10	42	.....
Complaints.....	82	75	123	58	90
Compliance with notifications.....	668	994	878	1,101	888
Appointments on account of prosecutions.....	18	12	8	14	47
Special statistical reports collected.....	36	37	21	12	4
<b>GRAND TOTAL.....</b>	<b>5,318</b>	<b>4,575</b>	<b>6,126</b>	<b>5,683</b>	<b>5,453</b>

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904. III.43

## OF DEPUTY FACTORY INSPECTORS.

YEAR, 1904 (OCTOBER 1, 1903—SEPTEMBER 30, 1904).								TOTAL 1903.
Mar.	April.	May.	June.	July.	Aug.	Sept.	Total.	
4,043	191	1,025	3,817	3,097	2,014	1,991	27,568	28,506
183	1,251	678	195	105	100	124	3,174	2,839
93	180	359	122	66	57	30	1,152	980
663	17	170	499	381	316	182	3,227	3,392
.....	.....	23	39	31	25	.....	118	158
172	8,012	4,988	649	512	131	86	15,625	15,690
14	12	7	16	7	9	3	130	261
904	1,500	1,378	1,009	876	608	12	10,584	13,958
62	71	44	50	60	16	.....	492	801
110	149	142	83	82	53	.....	1,078	1,332
6,244	11,383	8,814	6,479	5,217	3,329	2,428	63,148	67,917
401	438	484	546	497	412	406	4,429	3,567
133	4,265	3,122	186	207	94	46	8806	8,660
77	169	233	124	97	115	1	1,493	1,759
8	1	2	8	18	4	7	108	36
77	47	47	118	93	153	121	1,084	695
646	365	450	542	1,081	437	1,929	9,979	2,174
10	4	.....	3	7	3	.....	126	392
.....	1	.....	.....	.....	.....	19	130	648
7,596	16,673	13,152	8,006	7,217	4,547	4,957	89,303	85,848



TABLE II.—STATISTICS OF FACTO

COUNTY.	Establish- ments closed, burned, removed, etc.	FACTORIES INSPECTED.			Number owners at work.	LARGEST PLOY  Office force.
		Once.	More than once.	Total number.		
Albany.....	118	772	15	787	506	660
Allegany.....	15	48	.....	48	51	19
Broome.....	19	197	2	199	185	317
Cattaraugus.....	18	116	.....	116	102	73
Cayuga.....	7	153	.....	153	6	213
Chautauqua.....	64	319	3	322	382	465
Chemung.....	20	157	8	165	150	299
Chenango.....	7	84	2	86	52	68
Clinton.....	.....	8	.....	8	5	1
Columbia.....	15	100	.....	100	45	72
Cortland.....	5	84	.....	84	7	53
Delaware.....	11	78	1	79	56	21
Dutchess.....	16	152	.....	152	50	161
Erie.....	241	1,666	38	1,704	1,009	2,534
Essex.....	7	54	.....	54	34	4
Franklin.....	3	11	.....	11	4	3
Fulton.....	20	185	.....	185	52	53
Genesee.....	7	71	1	72	29	94
Greene.....	11	62	1	63	43	35
Hamilton.....	.....	.....	.....	.....	.....	.....
Herkimer.....	5	136	1	137	87	139
Jefferson.....	15	37	.....	37	12	75
*Kings.....	609	4,212	261	4,473	3,060	3,071
Lewis.....	.....	.....	.....	.....	.....	.....
Livingston.....	.....	3	.....	3	.....	9
Madison.....	1	5	.....	5	6	3
Monroe.....	159	1,372	87	1,459	847	1,623
Montgomery.....	29	189	2	191	110	153
Nassau.....	2	27	.....	27	20	5
*New York.....	1,880	17,098	694	17,792	11,047	24,688
Niagara.....	24	184	.....	184	82	269
Oneida.....	24	390	10	409	183	387
Onondaga.....	73	442	8	450	341	1,296
Ontario.....	.....	.....	.....	.....	.....	.....
Orange.....	11	148	1	149	69	197
Orleans.....	11	61	.....	61	22	23
Oswego.....	73	227	.....	227	126	118
Otsego.....	4	48	.....	48	36	42
Putnam.....	.....	12	.....	12	5	2
*Queens.....	28	441	2	443	253	616
Rensselaer.....	117	515	1	516	235	420
*Richmond.....	11	128	1	129	43	298
Rockland.....	.....	.....	.....	.....	.....	.....
St. Lawrence.....	73	222	8	230	183	98
Saratoga.....	21	216	1	217	144	253
Schenectady.....	7	149	53	202	164	1,656
Schoharie.....	3	53	.....	53	39	4
Schuyler.....	4	46	.....	46	5	18
Seneca.....	8	84	.....	84	27	84
Steuben.....	21	251	4	255	37	95
Suffolk.....	.....	.....	.....	.....	.....	.....
Sullivan.....	5	24	.....	24	26	2
Tioga.....	11	58	.....	58	59	22
Tompkins.....	18	175	1	176	74	94
Ulster.....	16	148	.....	148	45	82
Warren.....	13	86	2	88	78	4
Washington.....	9	121	.....	121	77	153
Wayne.....	11	118	.....	118	50	47
Westchester.....	20	362	16	378	165	412
Wyoming.....	.....	.....	.....	.....	.....	.....
Yates.....	19	75	.....	75	22	21
Total.....	3,934	32,189	1,224	33,413	20,497	41,623
*New York City.....	2,529	21,878	957	22,835	14,399	28,673

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904. III.45

## RIES INSPECTED: BY COUNTIES.

NUMBER OF EM- PLIES IN THE YEAR.		NUMBER OF WORKERS EMPLOYED IN—				ORDERS.	
Shop force.	Total.	Small shops (under 20 em- ployees).	Middle sized shops (20-199).	Large shops (200 or more).	Total.	Total number issued.	Estab- lish- ments notified.
25,667	26,327	2,524	8,259	12,321	23,104	478	302
449	468	193	187	.....	380	70	38
10,239	10,556	872	4,364	4,675	9,911	401	141
2,923	2,996	438	1,885	565	2,688	198	88
8,295	8,508	544	1,875	4,973	7,192	178	75
13,158	13,623	1,204	3,784	5,276	10,264	547	245
6,640	6,939	630	2,363	2,455	5,448	259	114
1,828	1,896	284	1,091	265	1,640	104	55
268	269	13	184	.....	197	13	6
4,431	4,503	327	1,180	2,569	4,076	188	69
3,389	3,442	314	1,398	1,368	2,980	119	56
1,428	1,449	455	264	510	1,329	132	54
8,897	8,858	540	2,489	4,413	7,442	152	72
64,012	66,546	6,610	22,843	25,691	55,144	1,983	943
1,218	1,222	157	597	275	1,029	32	21
560	563	37	523	.....	560	51	11
6,254	6,307	836	3,532	1,507	5,875	63	39
2,949	3,043	280	977	1,091	2,348	104	46
1,849	1,884	179	955	435	1,569	59	36
8,104	8,243	493	2,251	4,571	7,315	52	23
2,808	2,883	71	840	1,154	2,065	62	32
118,904	121,975	18,155	45,800	39,008	102,963	6,449	2,732
316	325	16	227	.....	243	6	3
288	291	11	214	.....	225	13	3
45,423	47,046	6,502	19,593	14,578	40,673	2,019	967
10,745	10,898	662	3,342	6,351	10,355	494	139
198	203	117	66	.....	183	39	26
422,391	447,079	81,116	190,924	80,961	353,001	28,854	12,181
6,730	6,999	743	2,716	2,532	5,991	160	97
18,805	19,192	1,683	5,688	9,916	17,287	258	113
21,724	23,019	1,856	8,977	9,782	20,615	937	328
8,006	8,203	556	2,751	4,137	7,444	57	42
2,098	2,121	270	855	.....	1,125	74	40
7,858	7,976	660	2,175	4,082	6,917	453	222
1,696	1,738	197	750	696	1,643	84	27
858	860	27	24	594	645	18	7
18,788	19,404	1,706	5,308	8,432	15,446	1,085	438
26,681	27,101	1,615	4,733	16,068	22,416	824	402
8,753	9,051	406	2,357	4,562	7,325	210	91
4,086	4,184	858	2,278	539	3,675	737	213
7,883	8,136	839	3,212	3,462	7,513	121	64
18,163	19,819	760	1,048	12,175	13,983	316	85
491	495	145	296	.....	441	80	37
600	618	166	423	.....	589	43	20
2,574	2,658	368	1,058	1,059	2,485	75	37
6,895	6,990	893	2,616	3,025	6,534	175	106
166	168	109	54	.....	163	9	9
1,095	1,117	208	661	.....	869	93	40
2,424	2,518	714	1,195	216	2,125	93	49
7,032	7,114	564	3,445	2,028	6,037	170	85
3,771	3,775	348	1,129	2,222	3,699	74	40
3,996	4,149	345	1,931	1,456	3,732	146	65
2,248	2,295	424	943	266	1,633	95	54
13,213	13,625	1,288	4,027	6,676	11,991	520	220
907	928	330	460	.....	790	138	74
970,972	1,012,595	141,658	382,717	308,937	833,312	50,144	21,520
568,946	597,619	101,383	244,420	132,932	478,735	36,598	15,440

Table II—Concluded.

COUNTY.	NUMBER OF EMPLOYEES						
	ALL CLASSES.			Males under 18 yrs. (S.).	Fe- males (S.).	BOYS.	
	Total No.	Office.	Shops.			O.	S.
Albany.....	23,760	656	23,104	737	7,548	3	229
Allegany.....	899	19	880	12	51		6
Broome.....	10,228	317	9,911	205	3,210		79
Cattaraugus.....	2,761	73	2,688	151	539		59
Cayuga.....	7,405	213	7,192	298	2,089		113
Chautauqua.....	10,729	465	10,264	428	1,713	7	194
Chemung.....	5,717	269	5,448	118	1,686		31
Chenango.....	1,708	68	1,640	8	300		4
Clinton.....	198	1	197	1	56		
Columbia.....	4,147	71	4,076	130	1,342		60
Cortland.....	3,033	53	2,980	61	563		10
Delaware.....	1,350	21	1,329	16	298		7
Dutchess.....	7,603	161	7,442	311	1,998		98
Erie.....	57,665	2,521	55,144	1,955	8,427	8	517
Essex.....	1,033	4	1,029	8	133		
Franklin.....	563	3	560	46	2		19
Fulton.....	5,928	53	5,875	66	1,838		61
Genesee.....	2,442	94	2,348	80	505		22
Greene.....	1,604	35	1,569	33	330		12
Hamilton.....							
Herkimer.....	7,454	139	7,315	84	1,878		52
Jefferson.....	2,140	75	2,065	13	61		1
*Kings.....	105,999	3,036	102,963	2,571	28,846	21	825
Lewis.....							
Livingston.....	252	9	243	2			1
Madison.....	228	3	225	19	59		9
Monroe.....	42,290	1,617	40,673	1,238	13,131	3	492
Montgomery.....	10,508	153	10,355	340	4,652		113
Nassau.....	188	5	183		21		
*New York.....	377,322	24,321	353,001	5,851	48,522	190	1,708
Niagara.....	6,260	269	5,991	338	871		53
Oneida.....	17,673	386	17,287	450	6,319	1	231
Onondaga.....	21,909	1,294	20,615	576	3,846	5	248
Ontario.....							
Orange.....	7,641	197	7,444	217	2,017		79
Orleans.....	1,148	23	1,125	51	197		29
Oswego.....	7,035	118	6,917	236	2,130		62
Otsego.....	1,685	42	1,643	24	425		15
Putnam.....	647	2	645	26	2		6
*Queens.....	16,060	614	15,446	731	2,241	3	242
Rensselaer.....	22,836	420	22,416	361	11,912	3	134
*Richmond.....	7,622	297	7,325	282	860	2	69
Rockland.....							
St. Lawrence.....	3,773	98	3,675	108	514		44
Saratoga.....	7,765	252	7,513	70	1,951	1	26
Schenectady.....	15,638	1,655	13,983	105	1,069	12	42
Schoharie.....	445	4	441	4	139		
Schuyler.....	607	18	589	2	82		
Seneca.....	2,569	84	2,485	30	518	3	14
Steuben.....	6,627	93	6,534	234	1,263		86
Suffolk.....							
Sullivan.....	165	2	163	1	29		
Tioga.....	891	22	869	24	179		7
Tompkins.....	2,219	94	2,125	5	326		4
Ulster.....	6,119	82	6,037	229	1,531		99
Warren.....	3,703	4	3,699	72	1,933		23
Washington.....	3,885	153	3,732	45	1,078		23
Wayne.....	1,680	47	1,633	76	471		50
Westchester.....	12,400	409	11,991	247	2,188		151
Wyoming.....							
Yates.....	811	21	790		205		
Total.....	874,467	41,155	833,312	19,326	174,094	262	6,459
*New York City.....	507,003	28,268	478,735	9,435	80,469		216,844

\* Including those discharged for lack of employment certificate.

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904. III.47

## Statistics of Factories Inspected in Each County.

AT TIME OF INSPECTION.†								WEEKLY HOURS OF LABOR.			
CHILDREN.								NO. EMPLOYEES (S.) WHO WORK			
GIRLS.		Total 14-16 yrs.*	UNDER 14.		ILLITERATE.		Without certificate ordered discharged.	51 hrs. or less.	52-57 hours.	58-63 hours.	Over 63 hrs.
O.	S.		O.	S.	O.	S.					
	180	412				3	54	956	6,070	16,056	22
	57	136		2		1	22	664	2,015	7,085	147
	11	70		1			16	266	630	1,775	17
	46	159		7			15	79	1,205	5,890	18
	202	403	1	28			8	76	2,740	7,432	16
	44	75		1		1	10	200	1,603	3,132	513
	4	8		1			1	88	30	1,404	118
	2	2							86	55	56
	54	114		10			11	26	519	3,426	105
	3	13		3			8	38	150	2,787	5
	4	11					1	8	46	942	333
	78	176		2			20	246	2,626	4,546	24
2	260	787		13			295	2,413	15,297	36,608	826
								8	49	685	287
		19		8		4	11	2	10	207	341
	42	103		1			9	31	259	5,573	12
	28	50		13			14	110	424	1,804	10
	10	22		1			8	13	40	1,396	120
	50	102				3	2	105	772	6,307	131
							1	13	29	1,983	40
4	1,150	2,000		22		6	466	5,230	46,393	50,361	979
		1		1			1			152	91
	3	12					2		13	209	3
	507	1,002		19	1	5	286	1,250	22,439	16,562	422
1	170	284		3			17	46	460	9,778	71
								42	93	39	9
20	2,347	4,265	3	43	2	95	1,649	43,591	216,433	89,834	3,143
	28	81					22	149	860	4,531	451
	400	632		1			87	432	1,027	15,777	51
	157	410		5		3	85	651	6,303	13,403	258
	35	114		6			11	148	2,884	4,281	131
	4	33		5			16	33	83	1,003	6
	80	142		3			30	212	1,166	5,309	230
	10	25					2	96	126	1,403	18
		6		1					178	467	
	185	430		3			56	1,055	5,225	8,389	777
	185	322		6		1	61	627	9,093	12,503	193
	25	96		1			7	332	4,446	2,403	144
	21	65		10		1	41	87	647	2,509	432
	22	49					3	59	517	6,106	831
	5	59		1			5	503	10,312	3,022	146
								4	71	258	108
								6	5	574	4
	6	23					3	43	834	1,571	37
	10	96					18	287	2,006	4,212	29
									17	135	11
	3	10					3	61	229	551	28
	1	5					2	146	411	1,473	95
	74	173		16			46	56	1,261	4,568	152
	7	30		1			12	46	201	3,335	117
	12	35		1			10	20	125	2,459	1,128
	37	87		4			16	31	43	1,513	46
	82	233		5			42	906	5,100	4,809	1,176
								8	99	676	7
27	6,641	13,389	4	247	3	123	3,505	61,502	373,705	383,640	14,465
24	3,707	6,791	3	69	2	101	2,178	50,208	272,497	150,987	5,043

† The abbreviations "O." and "S." signify office and workroom employees respectively.

TABLE III.—STATISTICS OF FACTORY

COUNTY AND TOWN.	Closed, burned removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER  Total.
		Once.	More than once.		Office force.	Shops.	
ALBANY COUNTY.....	118	772	15	506	660	25,667	23,760
Albany (See Table IV).....	74	588	13	409	411	13,782	12,333
Cohoes (See Table IV).....	37	122		72	129	7,882	7,557
Colonie.....	1	10		4	42	1,437	1,412
Green Island.....	2	21	2	7	33	1,192	1,092
Ravens.....	2	4		3	1	176	151
Watervliet (See Table IV).....	2	27		11	44	1,198	1,215
ALLEGANY COUNTY.....	15	48		51	19	449	399
Angelica.....	5	6		7	2	56	51
Belfast.....		10		10	2	144	115
Cuba.....	6	15		17	10	98	78
Filmore.....		6		4		23	23
Friendship.....	4	11		13	5	128	132
BROOME COUNTY.....	19	197	2	185	317	10,239	10,228
Binghamton (See Table IV).....	9	147	2	141	243	6,585	6,504
Center Lisle.....		1				23	23
Chenango Forks.....		2		3		5	5
Conklin.....	1						
Deposit.....	2	13		11	9	153	159
Endicott.....		2			5	840	845
Gulf Summit.....	1						
Kirkwood.....		1		1		1	1
Lestershire.....	1	12		11	59	2,440	2,499
McClure.....		1				17	17
Union.....	3	6		8		60	59
Whitney's Point.....		5		4	1	67	68
Windsor.....	2	7		6		48	48
CATTARAUGUS COUNTY.....	18	116		102	73	2,923	2,761
Cattaraugus.....	1	7		12	7	100	101
Dayton.....	1	1				4	3
Delevan.....	1	6		6		33	30
Ellicottville.....	2	9		9	3	129	109
Franklinville.....		14		11	3	409	395
Gowanda.....	4	16		16	10	589	592
Ischua.....	1						
Lime Lake.....		2				14	6
Little Valley.....	3	13		12	15	308	313
Machias.....	1	5		4		15	12
Olean (See Table IV).....		14			19	642	572
Otto.....		3		2		68	68
Salamanca.....	4	23		26	15	575	525
South Dayton.....		3		4	1	37	35
CAYUGA COUNTY.....	7	153		6	213	8,295	7,405
Auburn (See Table IV).....	4	105		6	213	7,9	7,063
Moravia.....	2	14					52
Port Byron.....		12					71

## INSPECTION IN EACH COUNTY AND TOWN.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
656	737	7,548	412	.....	3	956	6,070	16,056	22	478	54
407	236	3,665	117	.....	.....	828	5,365	5,727	6	303	32
129	352	3,302	207	.....	2	72	561	6,784	11	108	18
42	46	39	23	.....	1	52	23	1,295	.....	12	.....
33	29	227	20	.....	.....	2	80	977	.....	35	4
1	.....	.....	.....	.....	.....	.....	.....	150	.....	3	.....
44	74	315	45	.....	.....	2	41	1,123	5	17	.....
19	12	51	6	.....	.....	3	5	372	.....	70	.....
2	1	6	.....	.....	.....	.....	.....	49	.....	12	.....
2	8	28	4	.....	.....	.....	.....	113	.....	19	.....
10	.....	8	.....	.....	.....	2	3	63	.....	15	.....
.....	.....	3	.....	.....	.....	1	2	20	.....	4	.....
5	3	6	2	.....	.....	.....	.....	127	.....	20	.....
317	205	3,210	136	2	1	664	2,015	7,085	147	401	22
243	104	2,398	77	2	1	639	1,963	3,592	67	255	13
.....	.....	1	.....	.....	.....	.....	.....	23	.....	3	.....
.....	.....	.....	.....	.....	.....	.....	.....	5	.....	3	.....
9	6	29	3	.....	.....	25	.....	72	53	32	3
5	19	199	15	.....	.....	.....	11	829	.....	10	1
.....	.....	.....	.....	.....	.....	.....	.....	1	.....	2	.....
59	71	568	40	.....	.....	.....	41	2,399	.....	52	4
.....	.....	.....	.....	.....	.....	.....	.....	.....	17	1	.....
.....	3	3	.....	.....	.....	.....	.....	59	.....	19	.....
1	2	2	1	.....	.....	.....	.....	62	5	13	1
.....	.....	10	.....	.....	.....	.....	.....	43	5	11	.....
73	151	539	70	1	.....	266	630	1,775	17	198	16
7	.....	1	.....	.....	.....	.....	.....	94	.....	17	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	3	3	.....
3	5	44	.....	.....	.....	5	.....	30	.....	8	.....
.....	.....	.....	.....	.....	.....	.....	.....	101	.....	19	.....
3	6	233	7	1	.....	.....	238	151	3	30	5
10	21	176	13	.....	.....	.....	25	549	8	38	3
.....	.....	.....	.....	.....	.....	.....	.....	6	.....	1	.....
15	5	26	5	.....	.....	4	272	22	.....	13	.....
.....	.....	1	.....	.....	.....	.....	.....	12	.....	8	.....
19	100	.....	41	.....	.....	239	90	224	.....	15	4
.....	.....	30	.....	.....	.....	.....	.....	68	.....	5	.....
15	12	14	2	.....	.....	18	3	486	3	32	2
1	2	14	2	.....	.....	.....	2	32	.....	9	2
213	298	2,089	159	7	.....	79	1,205	5,890	18	178	15
213	295	1,947	157	6	.....	57	1,189	5,606	18	134	13
.....	1	3	1	.....	.....	7	1	44	.....	8	1
.....	.....	31	.....	.....	.....	10	14	47	.....	6	.....

Table III—Factories Inspected in Each County and Town—Continued.

COUNTY AND TOWN.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER
		Once.	More than once.		Office force.	Shops.	Total.
CAYUGA COUNTY—Continued.							
Troopville.....		3				29	29
Union Springs.....		4				12	12
Weedsport.....	1	15				193	158
CHAUTAUQUA COUNTY.....							
	64	319	3	382	465	13,158	10,729
Arkwright.....		1		1		40	4
Brocton.....	2	7		6	1	68	30
Cassadaga.....	1	5		6		59	45
Cherry Creek.....	5	8		8	1	156	152
Dunkirk (See Table IV).....	9	46		47	118	3,979	3,021
Falconer.....	1	15	1	29	23	999	857
Forestville.....	1	3		3	4	157	151
Fredonia.....	6	30		22	24	523	161
Gerry.....	1	4		3	1	28	28
Jamestown (See Table IV).....	19	125	2	177	242	5,903	5,491
Kennedy.....	1	5		5	1	30	21
Laona.....	2	2		2		5	4
Mayville.....		7		7		49	37
Ripley.....	2	8		7	5	93	54
Sherman.....	2	12		11	3	86	77
Silver Creek.....	5	16		20	29	418	366
Sinclairville.....	3	5		4	1	152	76
Stockton.....		4		4	1	64	65
Westfield.....	4	16		20	11	349	89
CHEMUNG COUNTY.....							
	20	157	8	150	299	6,640	5,717
Big Flats.....	2	4		3		15	15
Breesport.....	1	2		2		33	31
Elmira (See Table IV).....	16	129	8	123	293	6,310	5,416
Horseheads.....	1	14		14	6	216	190
Van Etten.....		5		5		17	16
Wellsburg.....		3		3		49	49
CHENANGO COUNTY.....							
	7	84	2	52	68	1,828	1,708
Afton.....	1	3		3		9	8
Bainbridge.....		10		4	14	132	132
Green.....	1	12	1	9	3	116	111
Mt. Upton.....		1			1	45	40
New Berlin.....		8		7	2	166	136
Norwich.....	2	29		14	39	944	904
Oxford.....	2	9	1	6	5	187	147
Rockdale.....		1			1	8	9
Rockwell Mills.....		1		1		40	40
Sherburne.....	1	6		5	2	161	163
South New Berlin.....		4		3	1	20	18
CLINTON COUNTY.....							
		8		5	1	268	198
Ausable Chasm.....		2			1	42	43
Dannemora.....		2				80	46
Keeseville.....		4		5		146	108

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.51

## Cayuga-Clinton Counties.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
.....	1	5	1	.....	.....	.....	1	28	.....	19	1
.....	1	103	.....	1	.....	5	.....	12	.....	3	.....
.....	.....	.....	.....	.....	.....	.....	.....	153	.....	8	.....
465	428	1,713	403	29	.....	76	2,740	7,432	16	547	8
.....	.....	.....	.....	.....	.....	.....	.....	4	.....	2	.....
1	.....	10	.....	.....	.....	.....	.....	29	.....	11	.....
1	14	78	.....	26	.....	.....	89	45	.....	4	.....
.....	.....	.....	.....	.....	.....	.....	.....	62	.....	10	.....
118	84	123	15	.....	.....	22	106	2,774	1	69	.....
23	43	304	33	.....	.....	.....	384	450	.....	33	.....
4	4	60	.....	.....	.....	.....	.....	147	.....	6	.....
24	1	37	1	.....	.....	2	19	116	.....	33	1
1	.....	.....	.....	.....	.....	.....	.....	27	.....	10	.....
242	250	1,015	349	1	.....	40	2,108	3,092	9	267	7
1	2	1	.....	2	.....	.....	.....	20	.....	9	.....
.....	.....	.....	.....	.....	.....	.....	.....	4	.....	3	.....
.....	.....	1	.....	.....	.....	.....	.....	23	.....	13	.....
5	.....	18	.....	.....	.....	.....	.....	12	2	12	.....
3	.....	5	.....	.....	.....	.....	.....	45	4	18	.....
29	21	10	.....	.....	.....	10	4	74	.....	24	.....
.....	.....	.....	.....	.....	.....	.....	.....	323	.....	.....	.....
1	4	26	5	.....	.....	2	5	68	.....	6	.....
1	5	13	.....	.....	.....	.....	.....	64	.....	6	.....
11	.....	12	.....	.....	.....	.....	2	76	.....	11	.....
269	118	1,686	75	1	1	200	1,603	3,132	513	259	10
.....	.....	9	.....	.....	.....	.....	.....	13	2	7	.....
.....	.....	.....	.....	.....	.....	.....	.....	31	.....	5	.....
263	114	1,636	73	1	1	200	1,541	2,923	489	202	9
6	2	24	.....	.....	.....	.....	.....	14	150	29	.....
.....	.....	1	.....	.....	.....	.....	.....	14	20	5	.....
.....	2	16	2	.....	.....	.....	48	1	2	11	1
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
68	8	300	8	.....	.....	88	30	1,404	118	104	1
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
14	.....	4	.....	.....	.....	1	.....	1	6	1	.....
3	1	6	.....	.....	.....	6	.....	84	28	17	.....
1	.....	.....	.....	.....	.....	8	2	88	10	19	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	39	1	.....
2	.....	52	.....	.....	.....	50	.....	84	.....	9	.....
39	2	137	1	.....	.....	18	26	817	4	40	.....
5	1	25	.....	.....	.....	4	.....	136	2	5	.....
1	.....	.....	.....	.....	.....	.....	.....	.....	8	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2	4	10	.....	.....	.....	1	.....	40	.....	8	.....
1	.....	65	6	.....	.....	.....	2	154	6	4	1
.....	.....	1	.....	.....	.....	.....	.....	.....	15	.....	.....
1	1	56	2	.....	.....	.....	86	55	56	13	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1	.....	.....	.....	.....	.....	.....	.....	20	22	2	.....
.....	1	.....	.....	.....	.....	.....	.....	12	34	5	.....
.....	.....	56	2	.....	.....	.....	86	23	.....	6	.....



Table III—Factories Inspected in Each County and Town—Continued.

COUNTY AND TOWN.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
		Once.	More than once.		Office force.	Shops.	
COLUMBIA COUNTY.....	15	100	.....	45	72	4,431	4,147
Chatham.....	3	13	.....	5	6	242	220
Chatham Center.....	.....	1	.....	.....	.....	27	27
Columbiaville.....	1	1	.....	.....	.....	100	100
Greenport.....	.....	1	.....	.....	.....	49	49
Hudson (See Table IV).....	4	53	.....	28	51	1,811	1,733
Kinderhook.....	1	3	.....	.....	1	134	126
Mellenville.....	.....	3	.....	1	.....	41	39
Newton Hook.....	1	1	.....	.....	.....	114	114
Philmont.....	.....	11	.....	7	8	860	863
Rossmann.....	.....	2	.....	.....	.....	25	21
Stockport Center.....	1	1	.....	.....	.....	26	26
Stottville.....	.....	2	.....	1	4	544	428
Stuyvesant Falls.....	1	1	.....	.....	.....	16	16
Valatie.....	5	6	.....	3	1	42	24
Walshville.....	.....	1	.....	.....	1	400	361
CORTLAND COUNTY.....	5	84	.....	7	53	3,389	3,033
Cortland (See Table IV).....	4	49	.....	3	28	2,444	2,188
Homer.....	1	20	.....	.....	9	391	300
McGraw.....	.....	4	.....	.....	14	342	356
Marathon.....	.....	11	.....	4	2	212	179
DELAWARE COUNTY.....	8	36	1	22	3	427	353
Beerston.....	.....	1	1	.....	.....	18	18
Burnwood.....	.....	1	.....	.....	.....	11	11
Butternut Grove.....	1	.....	.....	.....	.....	.....	.....
Cadosia.....	.....	2	.....	2	.....	39	39
Centerville.....	.....	1	.....	.....	.....	14	14
Cook's Falls.....	1	.....	.....	.....	.....	.....	.....
Delhi.....	.....	15	.....	15	3	190	116
East Branch.....	2	1	.....	1	.....	4	4
Elk Brook.....	1	1	.....	.....	.....	24	24
Fish's Eddy.....	.....	3	.....	1	.....	33	33
Hamden.....	.....	2	.....	.....	.....	18	18
Hancock.....	2	4	.....	2	.....	24	24
Harvard.....	.....	2	.....	1	.....	18	18
Hobart.....	.....	1	.....	.....	.....	15	15
Horton Brook.....	.....	1	.....	.....	.....	9	9
Horton Switch.....	.....	1	.....	.....	.....	10	10
Keeryville.....	1	.....	.....	.....	.....	.....	.....
Methol.....	.....	1	.....	.....	.....	15	15
Peakville.....	1	1	.....	.....	.....	13	13
Readburn.....	.....	1	.....	.....	.....	18	18
Rock Rift.....	.....	1	.....	.....	.....	25	25
Shinhopple.....	2	2	.....	1	.....	22	18
Sidney.....	.....	10	.....	12	10	642	634
Stamford.....	.....	6	.....	6	.....	32	32
Trout Brook.....	.....	1	.....	.....	.....	11	11
Tyler's Switch.....	.....	1	.....	1	.....	25	25
Walton.....	.....	18	.....	14	8	198	206

## Columbia-Delaware Counties.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
71	130	1,342	114	10	.....	26	519	3,426	105	188	11
6	1	107	1					210	4	22	1
		60							27	6	
	8	28	4	7			4	45		7	3
51	54	539	63	2		22	471	1,183	6	89	
1	4	78	4					125		9	
	2		2					23	16	6	1
	8		5	1			5	109		5	4
7	12	408	17			1	17	838		21	
	1	2						8	13	1	
4	24	110	11				11	3	23	1	
								413		10	
									16		
1		10	5			3	9	11		7	
1	16		2				2	358		4	2
53	61	563	13	3	.....	38	150	2,787	5	119	8
28	56	164	9	3	.....	22	32	2,111	5	70	6
9	5	80	1			13	4	274		31	1
14		300	3				114	228		5	1
2		19				3		174		13	
3	4	19	2			4	17	119	210	53	
									18	1	
									11	2	
	1		1					17	22	2	
									14		
3		18				4	14	69	26	16	
								4		1	
									24	1	
								7	26	7	
	2		1				3		15	4	
								15	9	6	1
	1	1						6	12	8	
								1	14	4	
									9		
									10	1	
									15	1	
									13		
									18	1	
									25	4	
10	11	261	9				1	2	16	9	
		5				1		615	8	24	1
								31		8	
									11		
8	1	13				3	28	25	17	1	
								150		31	

Table III—Factories Inspected in Each County and Town—Continued.

COUNTY AND TOWN.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
		Once.	More than once.		Office force.	Shops.	
DUTCHESS COUNTY.....	16	152	.....	50	161	8,697	7,603
Dover.....	.....	1	.....	.....	.....	40	25
Dutchess Junction.....	.....	4	.....	.....	.....	396	396
Fishkill.....	1	1	.....	1	.....	2	2
Fishkill-on-Hudson.....	1	14	.....	5	14	448	432
Glenham.....	.....	1	.....	1	.....	.....	.....
Matteawan.....	1	16	.....	4	19	1,648	1,448
New Hamburg.....	1	2	.....	.....	2	53	41
Pleasant Valley.....	.....	1	.....	.....	.....	38	38
Poughkeepsie (See Table IV).....	12	102	.....	35	113	4,570	3,818
Stoneco.....	.....	1	.....	.....	1	275	226
Wappingers Falls.....	.....	9	.....	4	12	1,227	1,177
ERIE COUNTY.....	241	1,666	38	1,009	2,534	64,012	57,665
Akron.....	3	17	.....	6	6	316	302
Buffalo (See Table IV).....	225	1,570	38	979	2,344	54,245	47,948
Cheektowaga.....	.....	4	.....	.....	11	655	606
Depew.....	3	8	.....	2	18	1,447	1,417
East Aurora.....	1	16	.....	8	2	277	279
Gowanda.....	1	5	.....	3	1	62	55
Hamburg.....	.....	3	.....	1	5	113	118
Lackawanna*.....	.....	1	.....	.....	128	5,739	5,867
Lancaster.....	4	12	.....	9	4	260	240
Sloan.....	.....	1	.....	.....	4	100	104
Springville.....	.....	12	.....	.....	2	173	121
Tonawanda (See Table IV).....	1	15	.....	.....	9	612	595
Williamsville.....	3	2	.....	1	.....	13	13
ESSEX COUNTY.....	7	54	.....	34	4	1,218	1,033
Ausable Chasm.....	.....	2	.....	1	.....	65	48
Crown Point.....	2	4	.....	3	.....	18	13
Hague.....	.....	1	.....	.....	3	100	55
Keeseville.....	.....	8	.....	2	.....	54	50
Moriah.....	.....	2	.....	.....	1	94	50
Port Henry.....	3	11	.....	9	.....	109	75
Rock Pond.....	1	.....	.....	.....	.....	.....	.....
Ticonderoga.....	.....	22	.....	17	.....	683	647
Willsboro.....	1	4	.....	2	.....	95	95
FRANKLIN COUNTY.....	3	11	.....	4	3	560	563
Faust.....	1	3	.....	.....	2	251	253
Tupper Lake.....	2	8	.....	4	1	309	310
FULTON COUNTY.....	20	185	.....	52	53	6,254	5,928
Gloversville (See Table IV).....	17	171	.....	51	49	5,766	5,515
Johnstown (See Table IV).....	3	14	.....	1	4	488	413
GENESEE COUNTY.....	7	71	1	29	94	2,949	2,442
Batavia.....	6	44	1	27	59	2,211	1,713
Le Roy.....	1	25	.....	2	32	652	640
Oakfield.....	.....	2	.....	.....	3	86	89

\*Tabulated as West Seneca in 1903.

## Dutchess-Genesee Counties.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN—			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
161	311	1,998	176	2	.....	246	2,626	4,546	24	152	20
.....	14	.....	5	.....	.....	3	136	25	.....	12	3
.....	.....	.....	.....	.....	.....	.....	2	257	.....	.....	.....
14	41	52	1	.....	.....	2	152	262	2	9	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
19	52	519	49	1	.....	69	239	1,121	.....	21	9
2	.....	.....	.....	.....	.....	.....	35	4	.....	1	.....
.....	3	12	2	.....	.....	.....	.....	38	.....	2	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
113	126	1,159	79	1	.....	170	1,828	1,685	22	97	6
1	.....	.....	.....	.....	.....	.....	.....	225	.....	4	.....
12	75	256	40	.....	.....	2	234	929	.....	7	2
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2,521	1,955	8,427	787	13	.....	2,413	15,297	36,608	826	1,963	295
6	5	97	3	.....	.....	2	78	214	2	23	1
2,331	1,871	8,126	762	12	.....	2,289	14,152	28,538	638	1,844	281
11	4	.....	4	.....	.....	.....	.....	595	.....	3	4
18	28	2	.....	.....	.....	.....	900	499	.....	2	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1	1	98	1	.....	.....	109	84	84	.....	14	1
1	.....	.....	.....	.....	.....	.....	.....	48	.....	8	.....
5	2	62	3	.....	.....	.....	4	109	6	2	3
128	7	.....	4	.....	.....	.....	.....	5,739	.....	2	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
4	16	4	7	.....	.....	7	17	207	5	22	4
4	.....	.....	.....	.....	.....	.....	.....	100	.....	7	.....
2	4	32	.....	.....	.....	.....	11	90	18	10	.....
9	17	4	3	1	.....	4	51	381	150	25	1
.....	.....	2	.....	.....	.....	2	.....	4	7	1	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
4	8	133	.....	.....	.....	8	49	685	287	32	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	2	18	.....	.....	.....	.....	38	.....	10	1	.....
3	.....	.....	.....	.....	.....	.....	.....	13	.....	5	.....
.....	.....	.....	.....	.....	.....	.....	.....	52	.....	2	.....
.....	2	.....	.....	.....	.....	.....	.....	50	.....	4	.....
1	.....	.....	.....	.....	.....	.....	.....	49	.....	6	.....
.....	1	36	.....	.....	.....	.....	5	70	.....	7	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	3	79	.....	.....	.....	8	5	448	186	5	.....
.....	.....	.....	.....	.....	.....	.....	1	3	91	2	.....
3	46	2	19	8	4	2	10	207	341	51	11
2	30	.....	15	8	4	.....	.....	201	50	24	7
1	16	2	4	.....	.....	2	10	6	291	27	4
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
53	66	1,838	103	1	.....	31	259	5,573	12	63	9
49	59	1,681	93	1	.....	31	258	5,165	12	56	9
4	7	157	10	.....	.....	.....	1	408	.....	7	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
94	80	505	50	13	.....	110	424	1,804	10	104	14
59	60	263	24	.....	.....	21	397	1,228	8	63	1
32	20	242	26	13	.....	89	27	490	2	33	13
3	.....	.....	.....	.....	.....	.....	.....	86	.....	8	.....

Table III—Factories Inspected in Each County and Town—Continued.

COUNTY AND TOWN.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER  Total.
		Once.	More than once.		Office force.	Shops.	
GREENE COUNTY.....	11	62	1	43	35	1,849	1,604
Athens.....	4	9		8	3	267	186
Cairo.....	4	4		3		38	13
Catskill.....	4	28	1	14	26	1,013	1,006
Coxsackie.....	2	18		15	5	515	394
West Coxsackie.....	1	3		3	1	16	5
HERKIMER COUNTY.....	5	136	1	37	139	8,104	7,454
Frankfort.....	1	14		3	14	448	397
Herkimer.....		31	1	10	27	1,483	1,462
Ilion.....		20		4	37	2,822	2,467
Little Falls (See Table IV).....	3	61		16	56	2,882	2,763
Mohawk.....	1	9		4	5	462	360
North Ilion.....		1				7	5
JEFFERSON COUNTY.....	15	37		12	75	2,808	2,140
Carthage.....	2	6		3	1	204	168
Watertown (See Table IV).....	13	31		9	74	2,604	1,972
KINGS COUNTY.....	609	4,212	261	3,060	3,071	118,904	105,999
(Brooklyn Borough, N. Y. City.)							
LIVINGSTON COUNTY.....		3			9	316	252
Caledonia.....		2			5	91	96
Retseof.....		1			4	225	156
MADISON COUNTY.....							
Cazenovia.....	1	5		6	3	288	228
MONROE COUNTY.....	159	1,372	87	847	1,623	45,423	42,290
Bealsburg.....		1				80	54
Brighton.....		5		2	2	230	186
Brookport.....	2	14	2	5	7	781	659
Charlotte.....	1	6		2		238	238
Chili.....		1				48	48
Churchville.....		5		3		48	22
Despatch.....		4		2	10	333	332
Fairport.....	2	17		8	10	532	395
Garbutt.....		3			2	44	46
Greece.....		2			14	904	918
Honeoye Falls.....	3	11		10	1	126	88
Irondequoit.....		1		1	1	75	44
Penfield.....	1	3		1		19	19
Pittsford.....		5		5		31	21
Rochester (See Table IV).....	150	1,281	85	801	1,575	41,703	39,045
Scottsville.....		4				47	38
Webster.....	1	7		7	1	156	109
Wheatland.....		2				28	28

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.57

## Greene-Monroe Counties.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops)	Females (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
35	33	330	22	1	.....	13	40	1,396	120	59	8
3	7	42	1	.....	.....	.....	14	167	2	11	1
26	20	232	20	1	.....	7	14	13	.....	2	.....
5	6	52	1	.....	.....	6	12	846	113	31	7
1	.....	.....	.....	.....	.....	.....	.....	366	5	13	.....
.....	.....	.....	.....	.....	.....	.....	.....	4	.....	2	.....
139	84	1,878	102	.....	3	105	772	6,307	131	52	2
14	10	52	9	.....	.....	5	9	369	.....	5	.....
27	35	347	30	.....	3	64	16	1,276	79	22	2
37	9	145	.....	.....	.....	.....	599	1,821	10	3	.....
56	28	1,132	58	.....	.....	9	144	2,516	38	19	.....
5	2	202	5	.....	.....	27	4	320	4	3	.....
.....	.....	.....	.....	.....	.....	.....	.....	5	.....	.....	.....
75	13	61	1	.....	.....	13	29	1,963	40	62	1
1	2	11	.....	.....	.....	.....	.....	127	.....	21	.....
74	11	50	1	.....	.....	13	29	1,856	.....	41	1
3,036	2,571	28,846	2,000	22	6	5,230	46,393	50,361	979	6,449	466
9	2	.....	1	1	.....	.....	.....	152	91	6	1
5	.....	.....	.....	.....	.....	.....	.....	.....	91	3	.....
4	2	.....	1	1	.....	.....	.....	152	.....	3	1
3	19	59	12	.....	.....	.....	13	209	3	13	2
1,617	1,238	13,181	1,002	19	6	1,250	22,439	16,562	422	2,019	286
2	1	2	1	.....	.....	.....	1	54	.....	2	1
7	26	207	13	.....	.....	.....	27	183	.....	21	.....
.....	1	8	3	.....	.....	.....	.....	625	.....	12	3
.....	2	.....	1	.....	.....	.....	48	20	218	.....	.....
10	1	12	.....	.....	.....	10	2	.....	.....	6	1
10	9	3	1	.....	.....	.....	251	10	.....	3	.....
.....	.....	178	21	.....	.....	.....	40	71	3	12	9
2	.....	.....	.....	.....	.....	.....	.....	342	.....	.....	.....
14	25	400	9	.....	.....	.....	900	44	.....	7	.....
1	1	25	.....	.....	.....	24	.....	.....	4	1	.....
1	.....	25	.....	.....	.....	.....	.....	63	.....	8	.....
.....	.....	.....	.....	.....	.....	.....	.....	43	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	2	17	4	.....
1,569	1,170	12,192	945	19	6	1,199	21,150	21	180	1,921	264
.....	1	31	6	.....	.....	17	18	3	.....	5	6
1	1	48	2	.....	.....	.....	2	106	.....	9	2
.....	.....	.....	.....	.....	.....	.....	.....	28	.....	3	.....

Table III—Factories Inspected in Each County and Town—Continued.

COUNTY AND TOWN.	Closed, burned removed, etc.	FACORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
		Once.	More than once.		Office force.	Shops.	
<b>MONTGOMERY COUNTY.....</b>	<b>29</b>	<b>189</b>	<b>2</b>	<b>110</b>	<b>153</b>	<b>10,745</b>	<b>10,508</b>
Akin.....		1				162	162
Amsterdam (See Table IV).....	17	103	1	52	106	7,708	7,638
Canajoharie.....		13		7	25	360	365
Fonda.....	2	6		2	1	146	147
Fort Hunter.....	1	1				45	45
Fort Plain.....	5	28		28	6	811	604
Fultonville.....	3	8		3	2	238	232
Hagaman.....		2				442	374
Hartower.....		1			3	295	298
Nelliston.....		2		1		14	14
Palatine Bridge.....		2				29	12
St. Johnsville.....	1	21	1	17	10	667	589
Tribe Hill.....		1				28	28
<b>NASSAU COUNTY.....</b>	<b>2</b>	<b>27</b>		<b>20</b>	<b>5</b>	<b>198</b>	<b>188</b>
Baldwins.....		2		1		28	28
East Rockaway.....		1		1		12	12
Freeport.....		1		2		3	3
Inwood.....		1		1			
Lawrence.....		4		5	1	47	48
Lynbrook.....		1		1		3	3
Rockville Center.....	2	14		9	4	88	77
Valley Stream.....		3				17	17
<b>NEW YORK COUNTY.....</b>	<b>1,880</b>	<b>17,098</b>	<b>694</b>	<b>11,047</b>	<b>24,688</b>	<b>422,391</b>	<b>377,332</b>
(Manhattan Borough, N. Y. City.)							
(Bronx Borough, N. Y. City.)							
<b>NIAGARA COUNTY.....</b>	<b>24</b>	<b>184</b>		<b>82</b>	<b>269</b>	<b>6,730</b>	<b>6,260</b>
Lockport (See Table IV).....	13	99		61	50	2,434	2,096
Middleport.....	2	13		10	2	237	223
Niagara Falls (See Table IV).....	8	35		9	104	1,496	1,600
North Tonawanda (See Table IV).....	1	37		2	113	2,563	2,341
<b>ONEIDA COUNTY.....</b>	<b>24</b>	<b>399</b>	<b>10</b>	<b>183</b>	<b>387</b>	<b>18,805</b>	<b>17,673</b>
Boonville.....	5	20		10	1	106	92
Capron.....		1			1	185	186
Clayville.....	1	5		6		21	19
Deansboro.....		1			4	22	26
Deerfield.....		1				7	5
New Hartford.....	2	10		6	6	379	318
New York Mills.....		3			23	1,770	1,725
Oriskany Falls.....		9		5	3	508	291
Rome (See Table IV).....	2	91		34	74	3,796	3,573
Utica (See Table IV).....	14	245	10	116	268	11,479	10,980
Whitesboro.....		13		6	7	532	458
<b>ONONDAGA COUNTY.....</b>	<b>73</b>	<b>442</b>	<b>8</b>	<b>341</b>	<b>1,295</b>	<b>21,724</b>	<b>21,909</b>
Baldwinsville.....	1	12		10	22	372	393
Dewitt.....		3			1	47	38
Camillus.....	1	3		2	3	226	229
East Syracuse.....		3			36	192	228

## Montgomery-Onondaga Counties.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN—			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
153	340	4,652	284	3	.....	46	460	9,778	71	494	17
.....	4	84	4	.....	.....	.....	.....	162	.....	10	.....
106	265	3,335	212	.....	.....	34	373	7,079	46	317	10
25	1	182	7	1	.....	.....	8	332	.....	18	1
1	6	17	5	.....	.....	.....	5	141	.....	17	1
.....	2	.....	2	.....	.....	.....	2	43	.....	6	1
6	24	233	21	2	.....	5	25	556	12	53	.....
2	5	122	5	.....	.....	.....	14	216	.....	12	3
.....	11	218	17	.....	.....	.....	17	357	.....	10	.....
3	5	205	.....	.....	.....	.....	.....	295	.....	5	.....
.....	.....	.....	.....	.....	.....	.....	.....	1	13	4	.....
10	17	253	11	.....	.....	7	16	12	.....	2	.....
.....	.....	.....	.....	.....	.....	.....	.....	556	.....	39	1
.....	.....	.....	.....	.....	.....	.....	.....	28	.....	1	.....
5	.....	21	.....	.....	.....	42	93	39	9	39	.....
.....	.....	.....	.....	.....	.....	.....	.....	28	.....	4	.....
.....	.....	.....	.....	.....	.....	.....	.....	12	.....	1	.....
.....	.....	.....	.....	.....	.....	.....	3	.....	.....	1	.....
1	.....	.....	.....	.....	.....	42	.....	5	.....	8	.....
4	.....	21	.....	.....	.....	.....	.....	3	.....	1	.....
.....	.....	.....	.....	.....	.....	.....	38	31	4	21	.....
.....	.....	.....	.....	.....	.....	.....	12	.....	5	3	.....
24,321	5,851	48,522	4,265	45	97	43,591	216,433	89,834	3,143	28,854	1,649
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
269	338	871	81	.....	.....	149	860	4,531	451	160	22
50	67	372	28	.....	.....	74	314	1,561	97	86	18
2	3	97	1	.....	.....	18	.....	196	7	6	.....
104	48	209	15	.....	.....	6	484	972	34	45	1
113	220	193	37	.....	.....	51	62	1,802	313	23	3
386	450	6,319	632	1	.....	432	1,027	15,777	51	258	87
1	.....	14	.....	.....	.....	3	5	83	.....	9	.....
1	10	75	10	.....	.....	.....	10	175	.....	.....	.....
.....	.....	2	.....	.....	.....	.....	.....	19	.....	.....	.....
4	.....	10	.....	.....	.....	.....	.....	22	.....	3	.....
.....	.....	.....	.....	.....	.....	.....	.....	5	.....	.....	.....
6	6	189	12	.....	.....	.....	12	300	.....	1	.....
23	55	495	89	.....	.....	88	37	1,577	.....	8	2
3	.....	163	3	.....	.....	.....	3	285	.....	2	.....
74	30	621	55	.....	.....	77	132	3,276	14	47	3
267	341	4,541	450	1	.....	261	796	9,619	37	184	77
7	8	209	13	.....	.....	3	32	416	.....	4	5
1,294	576	3,846	410	5	3	651	6,303	13,403	258	937	85
22	.....	29	2	.....	.....	.....	2	357	12	23	2
1	2	.....	2	.....	.....	.....	2	35	.....	3	2
3	4	93	3	.....	.....	.....	.....	226	.....	2	.....
36	17	34	13	.....	.....	189	.....	.....	3	11	.....



Table III—Factories Inspected in Each County and Town—Continued.

COUNTY AND TOWN.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER
		Once.	More than once.		Office force.	Shops.	Total.
<b>ONONDAGA COUNTY—Continued.</b>							
Eastwood.....		2			6	617	594
Elbridge.....	1	4		2	10	96	106
Fayetteville.....	4	10		8	6	328	325
Hart Lot.....		1			1	23	24
Jamesville.....		3		6	1	30	31
Manlius.....	2	8		4	6	354	360
Marcellus.....		2		1	5	345	350
Marcellus Falls.....		3		1	2	33	35
Mottville.....		2		3		28	28
Skaneateles.....	2	6		5	4	65	69
Skaneateles Falls.....		4		1	7	359	366
Solvay.....		3		3	347	2,903	3,250
Syracuse (See Table IV).....	61	372	8	295	838	15,648	15,423
Warners.....	1	1				60	60
<b>ORANGE COUNTY.....</b>	<b>11</b>	<b>148</b>	<b>1</b>	<b>69</b>	<b>197</b>	<b>8,006</b>	<b>7,641</b>
Goshen.....		13		3	5	203	186
Mechanicstown.....		1		1		2	2
Middletown (See Table IV).....	4	36		19	49	1,531	1,515
Montgomery.....		2		2	1	82	79
Newburgh (See Table IV).....	4	61	1	27	98	3,589	3,371
New Hampton.....		1			2	22	24
Port Jervis.....	3	23		10	27	1,296	1,177
Salisbury Mills.....		1			2	94	96
Walden.....		10		7	13	1,187	1,191
<b>ORLEANS COUNTY.....</b>	<b>11</b>	<b>61</b>		<b>22</b>	<b>23</b>	<b>2,098</b>	<b>1,148</b>
Albion.....	3	19		8	2	542	186
Holley.....	2	13		4	3	437	145
Medina.....	3	25		9	18	1,087	789
Shelby.....	3	4		1		32	28
<b>OSWEGO COUNTY.....</b>	<b>73</b>	<b>227</b>		<b>126</b>	<b>118</b>	<b>7,858</b>	<b>7,035</b>
Altmar.....	1	4				57	46
Colosse.....		2				4	4
Fulton (See Table IV).....	11	37		15	37	2,367	2,058
Kasoaq.....		2				6	4
Lacona.....	3	5		3		19	16
Mexico.....	4	13		12		164	161
Minetto.....		1			10	375	360
New Centerville.....	2	2		1		3	3
Orwell.....	3	5		5		51	44
Oswego (See Table IV).....	33	107		51	70	4,208	3,855
Parish.....	3	9		9		144	124
Pineville.....		1		1		1	1
Pulaski.....	5	22		18	1	260	210
Redfield.....	2	2				3	3
Ricard.....	2	1				1	1
Richland.....		3		2		87	39
Sandy Creek.....	2	5		5		20	20
Williamstown.....	2	6		4		88	86

## Onondaga-Oswego Counties.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certifi- cate ordered dis- charged.
In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN—			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
6	9	3						588		6	
10		7						87	9	7	
6	15	74	13			2	24	279	14	34	1
1		8						17	6	5	
1								30		7	
6	3	69	2					346	8	7	2
5	24	102	4					339	6	7	
2								16	17	3	
		18						18	10		
4	2	10	1					4	49	12	1
7	14	113	1					1	347	11	9
347	35	63	13						138		5
								2,765			1
837	451	3,223	356	5	3	460	3,487	10,479	160	796	72
								60			
197	217	2,017	114	6		148	2,884	4,281	131	57	11
5		5				17	10	154		7	
								2			
49	37	238	6			17	267	1,172	10	10	
1	6	40	8				10	68			
98	83	1,285	51	6		54	2,274	921	24	26	3
2		4						4	18		
27	33	283	10			60	165	920	5	8	6
2		20						20	74		
13	58	142	39					158		6	2
								1,020			
23	51	197	33	5		33	83	1,003	6	74	16
2		51	3			25	22	137		14	3
3	3	87	3			1	33	108		14	3
18	46	59	27	3		7	26	732	6	37	10
	2		2				2	26		9	
118	236	2,130	142	3		212	1,166	5,309	230	453	30
							1	45		4	
37	74	687	29			44	34	1,829	4	2	
		1						4	114	97	7
										3	
	7	93	1			120	1	14	2	6	
10		60						40		22	1
								350		5	
									3	4	
	1	3	1					44		12	1
70	152	1,073	106	1		43	1,121	2,523	98	211	16
		100				1		122	1	17	
								1			
1		61				1	6	199	3	38	
		1					2		1	3	
										2	
		6						37	2	6	
		8				3		17		8	
	2	37	5	2				84	2	13	5

Table III—Factories Inspected in Each County and Town—Continued.

COUNTY AND TOWN.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
		Once.	More than once.		Office force.	Shops.	
OTSEGO COUNTY.....	4	48		36	42	1,696	1,685
Cooperstown.....		9		10	6	86	92
Index.....		1			2	148	102
Oneonta.....	2	24		20	28	1,187	1,160
Phoenix Mills.....		1		1	2	114	116
Richfield Springs.....		4		1	1	125	126
Unadilla.....	2	9		4	3	86	89
PUTNAM COUNTY.....		12		5	2	858	647
Cold Spring.....		10		5	2	796	621
Highlands.....		1				60	24
Storm King.....		1				2	2
QUEENS COUNTY.....	28	441	2	253	616	18,788	16,060
(Queens Borough, N. Y. City.)							
Bayside.....		2		1		4	4
Brooklyn Hills.....		2		2		2	2
College Point.....	3	28		20	54	1,816	1,519
Corona.....	1	19		18	23	476	344
Cypress Hills.....		1		1		8	8
East Williamsburg.....	1	14		8	12	195	179
Elmhurst.....	1	8		5	2	24	26
Evergreen.....	1	20		8	32	473	469
Far Rockaway.....		12		7	4	88	92
Flushing.....	1	19		8	18	210	219
Germania Heights.....		1			3	120	123
Glendale.....		8		4	39	627	556
Hollis.....		1		1			
Jamaica.....	1	20		8	10	308	318
Long Island City.....	12	180	2	90	365	10,858	8,843
Maspeth.....	1	12		11	2	241	204
Morris Park.....		3		2	9	524	533
Ozone Park.....	1	10		5	4	50	39
Queens.....		2		2	2	52	48
Richmond Heights.....		12		11	1	90	81
Richmond Hill.....		11		8	12	425	437
Rockaway Beach.....		15		8	3	195	183
Union Course.....		4		3		36	36
Whitestone.....	2	9		7		40	32
Winfield.....	1	10		9	2	77	48
Woodhaven.....		11		7	14	1,763	1,625
Woodside.....	2	7		4	5	87	92
RENSSELAER COUNTY.....	117	515	1	235	420	26,681	22,836
Averill Park.....		3		1	2	163	51
Berlin.....	1	7		5		137	86
Bunker Hill.....	1						
Castleton.....	1	6		2	6	349	330
Cropseyville.....	1	1		1		1	1
Eagle Mills.....		3				38	26
Grafton.....	1	1				92	57
Hoosick Falls.....	9	20		11	9	567	529

## Otsego-Rensselaer Counties.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops)	Fe- males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
42	24	425	25			96	126	1,403	18	84	2
6		15					4	82		22	
2	4	51	3				3	97		6	
28	13	225	15			57	116	955	4	43	2
2	3	40	3				3	111		1	
1	4	76	4					125		6	
3		18				39		33	14	6	
2	26	2	6	1			178	467		18	
2	26	1	6	1			178	441		18	
		1						24			
								2			
614	731	2,241	430	3		1,055	5,225	8,389	777	1,085	56
								4		9	
								1	1	4	
54	86	414	67			24	537	901	3	65	7
24	16	47	12			264	6	45	5	61	1
						8				2	
12	10	5	9				56	110	1	33	9
2							10	9	5	16	
32	16	85	5			41	106	261	29	40	2
4		6				17	22	21	28	25	
18	1	39	1	1		20	31	101	49	33	
3		110	13					120		6	6
39	88	170	40				406	110	1	24	3
										1	
10	2	96	5			39	12	244	13	41	
362	298	759	139	1		620	3,578	3,706	577	471	16
2	9	22	6			3		197	2	31	2
9	22							522	2	7	
4	2	4	1				1	30	4	26	
2								46		3	
1	3	34	5	1		1	15	63	1	32	4
12	47	75	31				345	70	10	27	1
3	2	21	3			18	36	88	38	32	3
								35	1	14	
		15					20	9	3	11	
2	4	5					32	13	1	27	
14	122	331	91				12	1,597	2	26	1
5	3	3	2					86	1	18	1
420	361	11,912	322	6	1	627	9,093	12,503	193	824	61
2		27	3					49		7	
		52					15	71		10	
6	14	75	23			1	22	245	56	18	7
								1		1	
		5						24	2	8	
		50						57		1	
9	8	345	10			8	4	502	6	30	1

Table III—Factories Inspected in Each County and Town—Continued.

COUNTY AND TOWN.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER
		Once.	More than once.		Office force.	Shops.	Total.
RENSSELAER COUNTY—Continued.							
Johnsonville.....	1	3		3		29	12
Nassau.....	2	4		3		15	9
Petersburg.....	2	4		3		38	33
Rensselaer (See Table IV).....	9	24		14	10	740	738
Troy (See Table IV).....	86	427	1	187	387	23,946	20,482
Schaghticoke.....	2	3		2	4	262	206
Valley Falls.....	1	4		1	1	225	225
West Sand Lake.....		5		2	1	79	51
RICHMOND COUNTY.....	11	128	1	43	298	8,753	7,622
(Richmond Borough, N. Y. City.)							
Bulls Head.....		1				4	4
Clifton.....		4		1	13	241	237
Concord.....	1	4		2	3	181	71
Elm Park.....		3		1	5	243	220
Garretson.....		1			1	39	14
Graniteville.....		6		2	5	400	282
Grosmere.....	1	2				12	12
Kreischerville.....	1	2			3	133	136
Linoleumville.....	1	3		1	8	548	526
Livingston.....		1				46	46
Mariners Harbor.....		1			50	1,201	1,251
New Brighton.....		7		1	16	619	632
New Dorp.....	1	2		2		4	4
Port Richmond.....	1	6		2	26	713	670
Prince Bay.....		1			19	700	714
Richmond.....		1				4	4
Richmond Valley.....		2		1		110	68
Rosebank.....	1	7		2	8	224	149
Rossville.....		2		1		54	54
St. George.....		4		1	1	22	17
Shooters Island.....		1			27	500	228
Stapleton.....	2	20		13	15	263	263
Tompkinsville.....		8		4	22	391	410
Tottenville.....		10		3	12	558	475
West New Brighton.....	2	29	1	6	64	1,543	1,135
ST. LAWRENCE COUNTY.....	73	222	8	183	98	4,086	3,773
Aldridge.....		1				71	71
Benson Mines.....	1	1				33	33
Brasher Falls.....	4	8		8		26	24
Canton.....	5	19		15		180	151
Colton.....		2		1		21	21
DeKalb.....	2	1		1		2	
Fine.....	1						
Fort Jackson.....	1	4		4		25	18
Gouverneur.....	5	28	8	24	21	510	466
Hammond.....	2	5		7	1	29	27
Hannawa Falls.....		2				95	95
Hewittville.....		1				6	6
Hopkinton.....	1	1		1		2	1
Lawrenceville.....	2	2		2		2	2
Madrid.....	6	7		5	4	52	55
Madrid Springs.....	1						

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

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## Rensselaer-St. Lawrence Counties.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN—			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
		9						12			4
		33						9			6
		8						33			8
10	18	97	4			5	162	540	21	42	2
387	284	11,139	271	6	1	603	8,890	10,497	105	656	48
4	30	9	3					202		13	
1	7	90	8			10		214		11	3
1	5	14						47	3	9	
297	282	860	96	1		332	4,446	2,403	144	210	7
13	3						103	105	4	1	
2		53	3				68	1	16	6	
5	10	8	3				140	2	73	8	2
										3	
1		3						13		2	
5	29	136	17				167	110		5	
		3				7			5	1	
8								133		3	
8	9	41	1					518		4	
							46			4	
50	47		4				1,201			5	
16	18	52	2				45	571		15	
						1					
26	77	1	12				635	3		2	
19	25	50	10				695	9		5	
										1	
								4			
	4	10	4				68			2	
		60					80			20	
		3						61			
1	2		2	1			3	54		12	1
								13			
27							201			3	
15	8	8	2				93	135		40	1
22	42	57	19			20	19	324	42	16	2
12		5					416	47		10	
64	8	370	17			301	486	300	4	42	1
98	108	514	65	10	1	87	647	2,509	432	737	41
	1		1					71		8	1
								33		6	
								24		14	
	6	6	3			1		150		43	3
								1	20	7	
										2	
						1		17		4	
21	7	52	3	1		46	33	321	45	95	2
1		1					2	24		21	
								35	60	14	
									6	8	
								1		2	
								1		7	
4	1	36	1			1	1	45	5	17	1

Table III—Factories Inspected in Each County and Town—Continued.

COUNTY AND TOWN.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER
		Once.	More than once.		Office force.	Shops.	Total.
ST LAWRENCE COUNTY—Continued							
Massena.....		8		4	7	351	353
Morristown.....	4	4		1		42	41
Natural Dam.....		1			2	144	146
Newton Falls.....		1			5	184	189
Nicholville.....	1	3		1		19	19
Norfolk.....	2	3		4	6	236	241
North Lawrence.....		3		3		5	5
Norwood.....	2	2		2		14	14
Ogdensburg (See Table IV).....	22	68		50	43	1,267	1,066
Oswegatchie.....		2		2		33	33
Parishville.....		6		5		122	98
Potsdam.....	9	22		25	7	369	367
Raymondville.....		1			2	75	77
Rensselaer Falls.....	2	6		6		64	63
Seaverton.....		1		1		1	1
Stockholm.....		1		1		1	1
Wanakana.....		4		5		72	72
West Stockholm.....		4		5		33	17
SARATOGA COUNTY.....	21	216	1	144	253	7,883	7,765
Ballston Spa.....	3	26		18	17	777	794
Corinth.....	2	7		8	1	19	20
Cranesville.....		1			1	19	20
Factory Village.....		2			1	36	37
Fennimore.....		1			7	170	177
Hadley.....		3		1	3	101	104
Mechanicville.....	3	36		22	48	1,742	1,779
Middle Grove.....		2		1	1	23	24
Monan.....		1				68	68
Northumberland.....		1			7	210	136
Palmer Falls.....		1			9	715	724
Rock City.....		1		1	1	18	19
Rock City Falls.....		2			3	37	40
Saratoga Springs.....	9	82		53	108	1,076	951
Schuylerville.....		8		7	2	147	149
South Glens Falls.....		1			5	320	325
Stillwater.....		10		7	5	190	195
Victory Mills.....		1			3	358	361
Waterford.....	4	29	1	25	34	1,827	1,810
West Milton.....		1		1	2	30	32
SCHENECTADY COUNTY.....	7	149	53	164	1,656	18,163	15,638
Schenectady (See Table IV).....	5	144	53	161	1,656	18,141	15,616
Rotterdam.....	2	1				8	8
Scotia.....		4		3		14	14
SCHOHARIE COUNTY.....	3	53		39	4	491	445
Central Bridge.....		3		3		18	12
Cobleskill.....	2	23		13	2	203	181
Esperance.....	1	2		3		24	21
Howe's Cave.....		2			2	177	175

## St. Lawrence-Schoharie Counties.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN—			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
7	10	1	4	1	1	311	10	25	39	2	
2	1	22				28	11	2	18		
5	4		3				144		5	3	
	3	1					184		21		
							19		8		
6	1	6	1				11	224	22	1	
							4		7		
							14		10		
43	52	335	44	5		31	185	776	31	177	24
								33		12	
	2		1					98		22	1
7	7	49				2	8	346	4	54	
2							75			9	
	8	5	2	2		5	1	56	1	26	1
							1			3	
							1			3	
	2		1					72		27	1
	3		1	1				8	9	26	1
252	70	1,951	49			59	517	6,106	831	121	3
17	26	122	1			5	16	716	40	15	
1		3				4	2	13		3	
1									19		
1									36	1	
7								16	154	2	
3		10						34	67	1	
48	6	417	3			4	7	1,706	14	16	
1								3	20	4	
								68			
7	2	4	2				2	127			
9	5	12						715		3	
1									18		
3		2						9	28	2	
102	4	149	2			41	290	492	26	36	2
2		64				3	3	104	37	4	
5		1						1	319	15	
5	7	58	10				13	154	23	4	
3	6	213	4				4	354			
34	14	896	17	27			180	1,594		13	1
2									30	2	
1,655	105	1,069	59	1		503	10,312	3,022	146	316	5
1,655	102	1,069	56	1		503	10,311	3,009	138	313	3
	3		3				1	13	8	3	2
4	4	139				4	71	258	108	80	
								12		2	
2		100				3	66	86	24	29	
		20						21		9	
2	4							91	82	6	



Table VIII—Factories Inspected in Each County and Town—Continued.

COUNTY AND TOWN.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
		Once.	More than once.		Office force.	Shops.	
SCHOHARIE COUNTY—Continued.							
Middlebury.....		14		12		40	28
Richmondville.....		2		2		19	19
Schoharie.....		7		6		10	9
SCHUYLER COUNTY.....	4	46		5	18	600	607
Montour Falls.....	3	8			9	202	211
Odessa.....	1	6		1	1	25	24
Reading.....		1			2	100	102
Watkins.....		31		4	6	273	270
SENECA COUNTY.....	8	84		27	84	2,574	2,569
Farmer.....	2	9		6	4	90	71
Ovid.....		5		4		32	11
Seneca Falls.....	2	43		13	67	1,607	1,654
Waterloo.....	4	27		4	13	845	833
STEBUEN COUNTY.....	21	251	4	37	95	6,895	6,627
Addison.....	1	17		1	6	257	222
Atlanta.....	1	2				4	4
Avoca.....	2	6				88	68
Bath.....	2	24				163	158
Campbell.....	1	2				5	5
Canisteo.....	2	15		2		188	161
Cohocton.....	2	7				42	23
Cold Spring.....		1				18	15
Coopers Plains.....		2				7	7
Corning (See Table IV).....	3	60	1	23	44	2,615	2,598
Curtis.....		1				35	35
Hammondsport.....	3	11				65	65
Hornellsville (See Table IV).....		57	3	7	31	2,397	2,292
Kanona.....	1	2				8	3
Painted Post.....	1	8		2	11	382	376
Perkinsville.....		3		1		69	69
Prattsburg.....	1	4				12	12
Pulteney.....		3				35	35
Rheims.....		3				66	66
Savona.....	1	4				14	14
Urbana.....		1				36	36
Wayland.....		18		1	3	392	363
SULLIVAN COUNTY.....	5	24		26	2	166	165
Liberty.....		9		8		42	42
Livingston Manor.....	2	5		5		25	22
Monticello.....	1	7		9	2	82	84
Roscoe.....	2	3		4		17	17
TIOGA COUNTY.....	11	58		59	22	1,095	891
Lockwood.....	2	1				2	2
Newark Valley.....	1	7		7	4	223	143
Owego.....	1	27		26	9	602	490

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OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office etc.	Males under 18 years (shops).	Females (shops).	CHILDREN—			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
		1					5	21	2	20	
		17						19		9	
		1					1	8		5	
18	2	82				6	5	574	4	43	
9	2							202		16	
1		1						23		7	
2		25						100			
6		56				6	5	249	4	20	
84	30	518	23			43	834	1,571	37	75	3
4	1	33	1					67		9	1
		2						9		2	
67	20	213	14			23	379	1,172	13	35	1
13	9	270	8			20	455	323	22	29	1
93	234	1,263	96			287	2,006	4,212	29	175	18
6		30				11		205		11	
	1	3	1							1	
	2	14	1			12	22	68		9	1
								120	4	16	1
	3	33	2			10	2	5			
		3						149		10	1
								23		1	
								16		1	
44	183	184	68			175	1,077	7		2	
		13						1,291	11	45	5
								35		7	
29	22	892	15			74	578	65			
								1,605	6	46	9
11	14	4						3		2	
		2						46		2	
								69		2	
	1	6	1					12		5	
								35		2	1
								66			
3	8	6	8			5	8	14		4	
		73						339	8	11	
2	1	29									
							17	135	11	9	
	1	18					7	33	2	3	
2		10						13	9	3	
		1						72		2	
								17		1	
22	24	179	10			61	229	551	23	93	3
4		3							2	4	
9	11	148	9			3	4	131	1	16	
						41	181	243	16	35	2

Table III—Factories Inspected in Each County and Town—Continued.

COUNTY AND TOWN.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
		Once.	More than once.		Office force.	Shops.	
TIOGA COUNTY—Continued.							
Richford.....	3	3		2		5	5
Spencer.....	3	2				16	16
Waverly.....	1	18		24	9	247	236
TOMPKINS COUNTY.....							
	13	175	1	74	94	2,424	2,219
Brookton.....		3		2		8	8
Dryden.....		5		2		20	20
Etna.....		2		1		4	4
Forest Home.....		1				15	15
Freeville.....	1	4		1		8	8
Groton.....	1	15			4	387	286
Ithaca (See Table IV).....	3	118	1	58	83	1,617	1,517
Ludlowville.....		4				108	108
McLean.....	2	3				6	6
Malloryville.....		1				2	2
Newfield.....	3	2		1		27	27
Portland.....		1				85	85
Slaterville.....		1				6	6
Trumansburg.....	2	15		9	7	131	127
Varna.....	1						
ULSTER COUNTY.....							
	16	148		45	82	7,032	6,119
East Kingston.....		8				650	650
Ellenville.....	2	13		7		258	248
Flatbush.....		5				254	219
Glasco.....	2	5				521	513
Highland.....		2		1		22	21
Kerhonkson.....		1				10	10
Kingston (See Table IV).....	10	82		32	68	3,893	3,124
Marlborough.....	1	6		3	1	121	108
Milton.....		2				135	70
Napanoch.....		6				106	106
Rosendale.....		3			1	378	379
Saugerties.....	1	12		1	9	488	495
Walkill.....		3		1	3	196	176
WARREN COUNTY.....							
	13	86	2	79	4	3,771	3,703
Caldwell.....	1	2				8	8
Chestertown.....		3		4		128	65
Glens Falls.....	10	65	1	54	3	2,633	2,636
Johnsburg.....		1		3		8	8
Luzerne.....			1	1	1	39	31
Queensbury.....	1	5		5		318	318
Warrensburg.....	1	10		11		637	637
WASHINGTON COUNTY.....							
	9	121		77	153	3,996	3,885
Battenville.....		1			2	16	18
Cambridge.....		12		11	23	260	283
Center Falls.....		1			2	23	25
Easton.....		1			5	63	68

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[illegible]

Table III—Factories Inspected in Each County and Town—Continued.

COUNTY AND TOWN.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER  Total.
		Once.	More than once.		Office force.	Shops.	
WASHINGTON COUNTY—Continued.							
Fort Edward.....	4	17		14	10	645	630
Fort Miller.....		1			2	40	42
Granville.....	2	17		13	7	129	120
Greenwich.....	2	14		9	16	470	412
Middle Falls.....		7		1	9	160	169
Salem.....		8		8	2	209	211
Sandy Hill.....	1	24		12	54	1,281	1,236
Shushan.....		2		2		44	44
Thomason.....		1			4	115	104
Whitehall.....		15		7	17	541	523
WAYNE COUNTY.....	11	118		50	47	2,248	1,680
Clyde.....	2	12		5	1	89	85
Lyons.....	3	28		12	5	559	296
Macedon.....		4		3	2	190	161
Marion.....	1	6				174	95
Newark.....	1	27		12	19	757	565
Ontario.....		3		1		22	22
Palmyra.....		14		2	19	228	244
Sodus.....	2	11		5		46	46
Williamson.....	1	5		5	1	91	92
Wolcott.....	1	8		5		92	74
WESTCHESTER COUNTY.....	20	362	16	165	412	13,213	12,400
Ardley.....		1				4	4
Buchanan.....		1			5	185	178
Bronxville.....		2		3	9	146	106
Chappaqua.....		1				46	46
Chauncey.....		1				41	41
Croton Dam.....	1	2		2		3	3
Croton-on-Hudson.....		4		3		46	37
Croton Point.....	1	1				154	154
Dobbs Ferry.....		5		3	2	50	50
Georges Island.....		1				68	68
Hastings.....	1	5		2	24	1,065	913
Hawthorne.....		1		1			
Irvington.....		4		1	34	335	244
Larchmont.....		1				3	3
Mamaroneck.....		13		5	6	141	105
Montrose.....		1				30	30
Mount Kisco.....	1	7		4		25	20
Mount Vernon (See Table IV).....		46	1	18	37	983	964
New Rochelle (See Table IV).....	7	28	8	34	69	734	785
North Tarrytown.....		11		3	28	436	398
Ossining.....	4	33	1	14	13	474	381
Peekskill.....	4	40	2	7	40	2,171	1,959
Pleasantville.....		5				27	27
Port Chester.....		18		5	49	1,295	1,130
Tarrytown.....		17		7	4	192	158
Tuckahoe.....		5		4	15	342	357
Valhalla.....		1		1			

## III.73

OF EMPLOYEES AT TIME OF INSPECTION.

## ORDERS.

Number  
children  
without  
certifi-  
cate  
ordered  
dis-  
charged.

[illegible]

Table III—Factories Inspected in Each County and Town—Concluded.

COUNTY AND TOWN.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER
		Once.	More than once.		Office force.	Shops.	Total.
<b>WESTCHESTER COUNTY—Continued.</b>							
Verplancks.....		5				280	280
White Plains.....		17	2	9		134	129
Yonkers (See Table IV).....	1	85	2	39	77	3,803	3,830
<b>YATES COUNTY.....</b>	<b>19</b>	<b>75</b>		<b>22</b>	<b>21</b>	<b>907</b>	<b>811</b>
Branchport.....	2	3		1		36	36
Dresden.....		3		2		51	41
Dundee.....	5	10		4		91	76
Fentons Landing.....	1	1				10	10
Mays Mill.....		1				3	3
Italy.....		1		1		20	20
Penn Yan.....	11	56		14	21	696	625

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.75

## Westchester and Yates Counties.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops)	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
.....	13	.....	.....	.....	.....	.....	210	70	.....	6	.....
.....	3	.....	2	.....	.....	50	29	12	38	43	2
77	35	591	117	1	.....	69	653	2,162	869	135	6
21	.....	205	.....	.....	.....	8	99	676	7	138	.....
.....	.....	15	.....	.....	.....	.....	.....	36	.....	8	.....
.....	.....	6	.....	.....	.....	.....	.....	41	.....	4	.....
.....	.....	4	.....	.....	.....	.....	3	71	2	19	.....
.....	.....	.....	.....	.....	.....	.....	.....	10	.....	1	.....
.....	.....	.....	.....	.....	.....	.....	.....	3	.....	2	.....
.....	.....	12	.....	.....	.....	.....	.....	20	.....	3	.....
21	.....	168	.....	.....	.....	8	96	495	5	101	.....



## RECAPITULATION OF TABLE IV—STATISTICS

CITY.	Establishments closed, burned, removed, etc.	Factories Inspected.			Number of owners at work.	Largest Office force.
		Once.	More than once.	Total number.		
Albany.....	74	588	13	601	409	411
Amsterdam.....	17	103	1	104	52	106
Auburn.....	4	105		105	6	213
Binghamton.....	9	147	2	149	141	243
Buffalo.....	225	1,570	38	1,608	979	2,344
Cohoes.....	37	122		122	22	129
Corning.....	3	60	1	61	23	44
Cortland.....	4	49		49	3	28
Dunkirk.....	9	46		46	47	118
Elmira.....	16	129	8	137	123	293
Fulton.....	11	37		37	15	37
Geneva.....						
Gloversville.....	17	171		171	51	49
Hornellsville.....		57	3	60	7	31
Hudson.....	4	53		53	28	51
Ithaca.....	3	118	1	119	58	83
Jamestown.....	19	125	2	127	177	242
Johnstown.....	3	14		14	1	4
Kingston.....	10	82		82	32	68
Little Falls.....	3	61		61	16	56
Lockport.....	13	99		99	61	50
Middletown.....	4	36		36	19	49
Mount Vernon.....		46	1	47	18	37
Newburgh.....	4	61	1	62	27	98
New Rochelle.....	7	28	8	36	34	69
New York.....	2,529	21,878	957	22,835	14,399	28,673
Niagara Falls.....	8	35		35	9	104
North Tonawanda.....	1	37		37	2	113
Ogdensburg.....	22	68		68	50	43
Olean.....		14		14		19
Oneida.....						
Oswego.....	33	107		107	51	70
Plattsburg.....						
Poughkeepsie.....	12	102		102	35	113
Rensselaer.....	9	24		24	14	10
Rochester.....	150	1,281	85	1,366	801	1,575
Rome.....	2	91		91	34	74
Schenectady.....	5	144	53	197	161	1,656
Syracuse.....	61	372	8	380	295	838
Tonawanda.....	1	15		15		9
Troy.....	186	427	1	428	187	387
Utica.....	14	245	10	255	116	268
Watertown.....	13	31		31	9	74
Watervliet.....	2	27		27	11	44
Yonkers.....	1	85	2	87	39	77

## OF FACTORIES INSPECTED: BY CITIES.

NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER OF WORKERS EMPLOYED IN				ORDERS.	
Shop force.	Total.	Small shops (under 20 employees).	Middle sized shops (20-199).	Large shops (200 or over).	Total.	Total number issued.	Establish- ments noti- fied.
13,782	14,193	2,014	4,912	5,000	11,926	303	212
7,708	7,814	419	1,553	5,560	7,532	317	76
7,933	8,146	384	1,513	4,973	6,870	134	52
6,585	6,828	707	3,678	1,876	6,261	255	98
54,245	56,589	6,319	21,265	18,033	45,617	1,844	884
7,882	8,011	349	2,055	5,024	7,428	108	58
2,615	2,659	230	763	1,561	2,554	45	25
2,444	2,472	206	596	1,368	2,170	70	33
3,979	4,097	196	313	2,394	2,903	69	30
6,310	6,603	526	2,172	2,455	5,153	202	94
2,367	2,404	141	460	1,420	2,021	97	37
5,766	5,815	741	3,218	1,507	5,466	56	34
2,397	2,428	174	882	1,207	2,263	46	21
1,811	1,862	147	496	1,039	1,682	89	39
1,617	1,700	539	679	216	1,434	62	35
5,903	6,145	549	1,818	2,382	5,249	267	104
488	482	95	314	22	409	7	5
3,893	3,961	367	1,457	1,232	3,056	94	52
2,882	2,938	247	833	1,622	2,707	19	10
2,434	2,484	391	1,164	491	2,046	86	46
1,531	1,580	164	478	824	1,466	10	7
983	1,020	126	601	200	927	58	27
3,589	3,687	224	1,220	1,829	3,273	26	18
734	803	185	232	299	716	28	12
568,946	597,619	101,383	244,420	132,932	478,735	36,598	15,440
1,496	1,600	152	401	943	1,496	45	27
2,563	2,676	105	1,025	1,098	2,228	23	19
1,267	1,310	321	702	1,023	1,777	177	60
642	661	58	495	553	553	15	9
4,208	4,278	300	1,173	2,312	3,785	211	105
4,570	4,683	416	1,613	1,676	3,705	97	42
740	750	69	154	505	728	42	23
41,703	43,278	6,140	18,604	12,732	37,476	1,921	917
3,796	3,870	393	1,484	1,632	3,499	47	16
18,141	19,797	738	1,048	12,175	13,961	313	82
15,648	16,486	1,576	7,225	5,785	14,586	796	279
612	621	55	289	242	586	25	12
23,946	24,333	1,322	4,060	14,713	20,095	656	319
11,479	11,747	1,049	2,905	6,759	10,713	184	85
2,604	2,678	65	679	1,154	1,898	41	26
1,198	1,242	83	325	763	1,171	17	13
3,803	3,880	291	691	2,771	3,753	135	59

## Recapitulation of Table IV—Continued.

CITY.	NUMBER OF EMPLOYEES						
	ALL CLASSES.			Males under 18 years (S.).	Females (S.).	BOYS.	
	Total number.	Office.	Shops.			O.	S.
Albany.....	12,333	407	11,926	236	3,665	3	54
Amsterdam.....	7,638	106	7,532	265	3,334	.....	82
Auburn.....	7,083	213	6,870	295	1,947	.....	111
Binghamton.....	6,504	243	6,261	104	2,398	.....	34
Buffalo.....	47,948	2,331	45,617	1,871	8,126	4	499
Cohoes.....	7,557	129	7,428	352	3,302	.....	117
Corning.....	2,598	44	2,554	183	184	.....	68
Cortland.....	2,198	28	2,170	56	164	.....	9
Dunkirk.....	3,021	118	2,903	84	123	6	9
Elmira.....	5,416	263	5,153	114	1,636	.....	30
Fulton.....	2,058	37	2,021	74	687	.....	13
Geneva.....	.....	.....	.....	.....	.....	.....	.....
Gloversville.....	5,515	49	5,466	59	1,681	.....	54
Hornellsville.....	2,292	29	2,263	22	892	.....	7
Hudson.....	1,733	51	1,682	54	539	.....	34
Ithaca.....	1,517	83	1,434	4	264	.....	3
Jamestown.....	5,491	242	5,249	250	1,015	1	170
Johnstown.....	413	4	409	7	157	.....	7
Kingston.....	3,124	68	3,056	95	1,219	.....	38
Little Falls.....	2,763	56	2,707	28	1,132	.....	20
Lockport.....	2,096	50	2,046	67	372	.....	15
Middletown.....	1,515	49	1,466	37	238	.....	6
Mount Vernon.....	964	37	927	14	146	.....	5
Newburgh.....	3,371	98	3,273	83	1,285	.....	34
New Rochelle.....	785	69	716	4	131	.....	1
New York.....	507,003	28,268	478,735	9,435	80,469	216	2,844
Niagara Falls.....	1,600	104	1,496	48	209	.....	14
North Tonawanda.....	2,341	113	2,228	220	193	.....	23
Ogdensburg.....	1,066	43	1,023	52	335	.....	23
Olean.....	572	19	553	100	.....	.....	41
Oneida.....	.....	.....	.....	.....	.....	.....	.....
Oswego.....	3,855	70	3,785	152	1,073	.....	47
Plattsburg.....	.....	.....	.....	.....	.....	.....	.....
Poughkeepsie.....	3,818	113	3,705	126	1,159	.....	32
Rensselaer.....	738	10	728	13	97	.....	3
Rochester.....	39,045	1,569	37,476	1,170	12,192	3	467
Rome.....	3,573	74	3,499	30	821	.....	12
Schenectady.....	15,616	1,655	13,961	102	1,069	12	39
Syracuse.....	15,423	837	14,586	451	3,223	3	212
Tonawanda.....	595	9	586	17	4	.....	3
Troy.....	20,482	387	20,095	284	11,139	3	109
Utica.....	10,980	267	10,713	341	4,541	1	166
Watertown.....	1,972	74	1,898	11	50	.....	1
Watervliet.....	1,215	44	1,171	74	215	.....	29
Yonkers.....	3,830	77	3,753	35	591	.....	68

## Factories Inspected in Cities.

AT TIME OF INSPECTION.†								WEEKLY HOURS OF LABOR.				
CHILDREN.								NO. EMPLOYEES (IN SHOPS) WHO WORK—				
GIRLS.		Total 14-16 years.	UNDER 14.		ILLITERATE.		Without certificate, ordered dis- charged.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hrs.	
O.	S.		O.	S.	O.	S.						
.....	60	117	.....	.....	.....	.....	32	828	5,365	5,727	6	6
1	129	212	.....	.....	.....	.....	10	34	373	7,079	46	46
.....	46	157	.....	6	.....	.....	13	57	1,189	5,606	18	18
.....	43	77	.....	2	.....	1	13	639	1,963	3,592	67	67
2	257	762	.....	12	.....	.....	281	2,289	14,152	28,538	638	638
.....	90	207	.....	.....	.....	2	18	72	561	6,784	11	11
.....	68	.....	.....	.....	.....	.....	5	175	1,077	1,291	11	11
.....	9	9	.....	3	.....	.....	6	22	32	2,111	5	5
.....	15	15	.....	.....	.....	.....	.....	22	106	2,774	1	1
.....	43	73	.....	1	.....	1	9	200	1,541	2,923	489	489
.....	16	29	.....	.....	.....	.....	7	44	34	1,829	114	114
.....	39	93	.....	1	.....	.....	9	31	258	5,165	12	12
.....	8	15	.....	.....	.....	.....	9	74	578	1,605	6	6
.....	29	63	.....	2	.....	.....	.....	22	471	1,183	6	6
.....	1	4	.....	.....	.....	.....	1	139	313	953	29	29
.....	178	349	.....	1	.....	.....	7	40	2,108	3,092	9	9
.....	3	10	.....	.....	.....	.....	.....	.....	1	408	.....	.....
.....	57	95	.....	1	.....	.....	23	36	1,214	1,786	20	20
.....	38	58	.....	.....	.....	.....	.....	9	144	2,516	38	38
.....	13	28	.....	.....	.....	.....	18	74	314	1,561	97	97
.....	6	6	.....	.....	.....	.....	.....	17	267	1,172	10	10
.....	15	20	.....	1	.....	.....	8	431	365	127	4	4
.....	17	51	.....	6	.....	.....	8	54	2,274	921	24	24
.....	2	3	.....	.....	.....	.....	.....	210	397	87	22	22
24	3,707	6,791	3	69	2	101	2,178	50,208	272,497	150,987	5,043	5,043
.....	1	15	.....	.....	.....	.....	1	6	484	972	34	34
.....	14	37	.....	3	.....	.....	3	51	62	1,802	313	313
.....	21	44	.....	5	.....	.....	24	31	185	776	31	31
.....	.....	41	.....	.....	.....	.....	4	239	90	224	.....	.....
.....	59	106	.....	1	.....	.....	16	43	1,121	2,523	98	98
.....	47	79	.....	1	.....	.....	6	170	1,828	1,685	22	22
.....	1	4	.....	.....	.....	.....	2	5	162	540	21	21
.....	475	945	.....	19	1	5	264	1,199	21,150	14,947	180	180
.....	43	55	.....	.....	.....	.....	3	77	132	3,276	14	14
.....	5	56	.....	1	.....	.....	3	503	10,311	3,009	138	138
.....	141	356	.....	5	.....	3	72	460	3,487	10,479	160	160
.....	.....	3	.....	1	.....	.....	1	4	51	381	150	150
.....	159	271	.....	6	.....	1	48	603	8,890	10,497	105	105
.....	283	450	.....	1	.....	.....	77	261	796	9,819	37	37
.....	.....	1	.....	.....	.....	.....	1	13	29	1,856	.....	.....
.....	16	45	.....	.....	.....	.....	.....	2	41	1,123	5	5
.....	49	117	.....	1	.....	.....	6	69	663	2,162	869	869

†The abbreviations "O." and "S." signify office and workshop employees, respectively.

TABLE IV—STATISTICS OF FACTORIES

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories inspected.		No. owners at work.	Largest number of employees in the year.		NUMBER  Total.
			Once.	More than once.		Office force.	Shops.	
ALBANY.								
I. STONE AND CLAY PRODUCTS.								
1-b.....	Cut stone.....		2				24	15
4-a.....	Building brick.....		3				102	97
4-b.....	Fire brick, etc.....		2			3	95	98
5-a-b.....	Building glass and mirrors.....	1	2		1		9	9
	Total.....	1	9		1	3	230	219
II. METALS, MACHINERY AND APPARATUS.								
1-a.....	Silverware.....	1	3		4		6	3
1-e.....	Jewelry.....		2		1	1	7	8
2-g.....	Copper and brass work.....		6		4	2	94	68
3-c.....	Architectural and structural iron.....	1	4		1	5	207	212
3-d.....	Car wheels, etc.....		2		1		48	42
3-g.....	Hardware.....		3		2	2	29	23
3-h.....	Cutlery.....		2		2		4	4
3-i.....	Tools.....	1	4	1	5		34	27
3-m-n.....	Wire goods.....	1	2		3	5	52	57
3-o.....	Sheet-metal work.....		2			4	186	105
3-r.....	Stoves and trimmings.....	1	4	1	2	30	728	727
3-t.....	Boilers and engines.....		2		1		78	32
3-u.....	Machinery.....	2	7		3		45	44
3-v.....	Foundry work.....	2	5			7	239	165
4.....	Railway repair shops.....		4			51	1,830	1,881
5.....	Carriages, wagons, etc.....	1	18		21	3	184	137
7.....	Agricultural implements.....		1			5	95	66
9.....	Pianos and organs.....		2				36	35
9.....	Gas meters and other appliances.....		3		2	4	244	246
	Total.....	10	76	2	52	119	4,146	3,882
III. WOOD MANUFACTURES.								
1.....	Lumber and house trim.....	1	11		2	8	181	177
2.....	Boxes and barrels.....	1	6		4	1	68	62
5-a-c.....	Furniture and upholstery.....		10		4	3	80	77
5-e.....	Cabinet work.....		4		4		114	50
6-7.....	Wooden patterns, novelties, etc.....		6		2	4	106	92
	Total.....	2	37		16	16	549	458
IV. LEATHER AND RUBBER GOODS.								
2.....	Brushes, hair goods, etc.....	1	1				7	7
3-b.....	Harness and saddlery.....		3		3		8	5
3-d.....	Shoes.....	2	3		2	4	60	59
4.....	Rubber goods.....		1		1	1	4	3
	Total.....	3	8		6	5	79	74
V. CHEMICALS, OILS AND EXPLOSIVES.								
1.....	Chemicals.....		5		3	11	222	172
2.....	Colors, adhesives, etc.....	2						
4-5.....	Soap, oil, wax, etc.....		4		3	4	33	37
	Total.....	2	9		6	15	255	209
VI. PAPER AND PULP.								
1.....	Rags and paper stock.....		2				50	27
2.....	Paper and cardboard.....		2			14	194	208
	Total.....		4			14	244	235

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.81

## INSPECTED: BY CITIES AND INDUSTRIES.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN—			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
						6	9				1
	2		2				2	95			2
3	8							95		1	
							9				
3	10		2			6	20	100		4	2
							8			2	
1			1				2	5			
5							42	24		3	
						1	201	5			
							2	40		1	
2								21		3	
								4			
								27		2	
5	2	6	2					52		2	1
4	4	45	4			15		86		2	2
30	22		6				6	691		4	
							2	30			
								16		3	
7	2							156		2	
51								1,759		5	
3								126		4	
								8			
5								61			
	1					5		30			
4	3	1						237			
								5			
119	34	52	13			21	2,552	1,190		33	3
8	13	2	1			18	19	132		5	1
1	6	15	5				2	59		4	4
3		11				3	9	62		5	
	2						23	27		1	
4	7	15					63	25		2	
16	28	43	6			21	116	305		17	5
		3						7			
								5		1	
4	4	26	1					55		1	
1	1		1				2				
5	5	29	2				2	67		2	
11	9	32	4				15	146		8	1
4	4	1	4					33		2	
15	13	33	8				15	179		10	1
		20						27			
14	20	76					140	54		2	
14	20	96					140	81		2	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
			Once.	More than once.		Office force.	Shops.	
ALBANY—Continued.								
VII. PRINTING AND PAPER GOODS.								
2-a-b...	Paper boxes and bags.....		5	1	1	3	154	126
3-a....	Printing and publishing.....	1	41	3	27	84	1,840	1,620
3-b....	Cutting and ruling paper.....		2		1		6	4
	Total.....	1	48	4	29	87	2,000	1,750
VIII. TEXTILES.								
2-b....	Felt goods.....		2			5	143	148
2-c-3...	Shoddy, waste, etc.....	1	2		1	5	73	52
4.....	Knit goods.....		3		2	4	563	543
	Total.....	1	7		3	14	779	743
IX. CLOTHING, MILLINERY, LAUNDRY, Etc.								
1-a....	Men's and boy's clothing.....	18	81		66	7	343	303
1-b....	Women's clothing.....	1	20	1	12	9	443	297
2-a....	Shirts, collars, etc.....	3	10		2	20	1,727	1,504
3.....	Men's caps.....		3	1	4		32	18
4-a....	Millinery.....	3	19		9		189	139
5.....	Carpet sewing, awnings, etc.....	1	5		1	1	22	21
6-a....	Laundries.....	5	28	1	26	11	396	356
6-b....	Cleaning and dyeing.....		18		18	2	32	21
	Total.....	31	182	3	138	50	3,184	2,659
X. FOOD, TOBACCO AND LIQUORS.								
1-a....	Flour and feed.....		3		2	1	29	25
1-b-d....	Coffee roasting, yeast, etc.....		7		8	10	69	75
2-a....	Provisions.....		3		4		34	14
2-b....	Dairy products.....		1			3	9	12
3-b....	Crackers.....		2			8	87	95
3-c....	Bakeries.....	11	71	1	64	4	203	203
3-d....	Confectionery.....	2	27		18	6	285	189
4.....	Cigars and tobacco.....	7	50	3	48	8	543	492
5-c....	Carbonated beverages.....		8		6	1	39	40
5-e....	Malt liquors.....		13		4	39	352	377
5-f....	Distilled liquors.....		1			6	12	18
	Total.....	20	186	4	154	86	1,662	1,510
XI. LIGHT AND POWER.								
2.....	Gas.....		2			2	25	27
4-5....	Light, power and heat.....		6				117	99
	Total.....		8			2	142	126
XII. BUILDING.								
3.....	Carpentry.....	1	8		4		451	419
7.....	Roofing.....		2				13	12
8.....	Plumbing, etc.....	2	3				37	26
	Total.....	3	13		4		501	457
XIII. WAREHOUSING.								
	Cold storage.....		1				11	11
	Total—Albany.....	74	588	13	409	411	13,782	12,333

Albany.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN—			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
1	7	86	1				28	97		3	
83	59	508	10				1,537			28	3
		1					2	2			
84	66	595	11				1,567	99		31	3
5		52						143		1	
5		9						47		2	
4	9	436	8				39	500		3	
14	9	497	8				39	690		6	
7	3	115	1				4	292		30	1
9		235					69	219		13	
20	16	1,259	32				172	1,312		5	1
		9						18			
		132	1			1	9	129		5	
1		10					3	17		2	
11	3	276	9				95	248	2	30	5
2		2				2		17		10	
50	22	2,038	43			3	352	2,252	2	95	7
1								24			
10	2	13				8	24	33			
								14			
3	1						1	8		2	1
8		29						87			
4	9	19	3				3	196		48	3
5	5	59	15				23	131		21	5
8	11	162	5			295	176	13		13	2
1	1							39		7	
30						46	216	76		3	
6								12		1	
85	29	282	24			349	443	633		95	11
2								23	2	2	
						18	72	7	2	2	
2						18	72	30	4	4	
						384	35			2	
						3	9			1	
						23	3			1	
						410	47			4	
								11			
407	236	3,665	117			828	5,365	5,727	6	303	32



Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER	
			Once.	More than once.		Office force.	Shops.	Total.	
AMSTERDAM.									
I.....	Stone.....		1		1		3	3	
II-3-e.....	Steel products.....		2			6	235	241	
3-n-p.....	Wire, tin and fancy metal goods.....	1	4		2		36	35	
3-t-u.....	Machinery and boilers.....		6	1	5	5	169	135	
4.....	Railway repair shops.....		1			4	8	12	
5.....	Vehicles.....		2		3		13	13	
10.....	Electrical apparatus.....		3		1	4	24	28	
III-1-2.....	Boxes and house trim.....		7		3	2	67	64	
4.....	Brooms.....	3	2			2	133	131	
IV-5-a.....	Pearl buttons.....		4			14	498	490	
V.....	Chemicals and oils.....		1				110	100	
VI.....	Paper stock and paper.....		2			7	32	38	
VII-2-a.....	Paper boxes.....	1	3		1	1	81	79	
3-a.....	Printing.....		5		4		46	46	
VIII-1.....	Silk goods.....		1			8	403	411	
2-a.....	Carpets and rugs.....		3			24	3,151	3,175	
2-b-c.....	Felts, shoddy and woolen cloth.....	2	1			1	31	32	
IX-1-a.....	Knit goods.....	6	13		1	24	2,402	2,381	
4-a.....	Men's clothing.....		6		4	1	17	16	
	Millinery.....	1	2				40	9	
6.....	Laundries and dyeing.....	1	6		8		40	39	
X-2-a.....	Meat dressing.....		2		1		19	13	
2-b-d.....	Dairy products.....		1			1	4	5	
3-c.....	Bakeries.....	1	10		10		21	21	
4.....	Cigars.....		8		5		39	34	
5-c-c.....	Beverages.....		2		1	2	30	31	
XI-2-4.....	Gas and electricity.....	1	2				9	9	
XII-8.....	Plumbing.....		3		2		47	47	
	Total.....		17	103	1	52	106	7,708	7,638
AUBURN.									
I-1.....	Stone.....		1				6	6	
II-2-g.....	Brass goods.....		1			2	89	91	
3-c.....	Bar iron and forgings.....		3			6	179	185	
3-g-q.....	Tools, hardware and plating.....		5				130	111	
3-r-v.....	Engines, boilers and foundry products.....		7			17	806	345	
4.....	Railway repair shops.....		1				30	30	
5.....	Vehicles.....		3		1		19	19	
7.....	Agricultural implements.....		4			120	2,070	1,846	
8.....	Musical instruments.....		1			3	70	73	
III-1.....	Lumber and house trim.....	1	3				22	22	
2.....	Boxes and cooperage.....		2		1		5	5	
5-6.....	Furniture and wooden implements.....		5			7	184	191	
IV.....	Leather and rubber goods.....		4			25	1,805	1,830	
V.....	Chemicals and oils.....		3			1	18	19	
VI.....	Rags and paper stock.....		2		1		9	9	
VII-2.....	Paper goods.....		1				27	27	
3.....	Printing.....		9				132	132	
VIII-1.....	Silk goods.....		1			3	70	45	
2.....	Woolen goods.....		3			8	789	797	
6.....	Rope and twine.....		2			17	795	812	
IX-1-a.....	Men's clothing.....	1	2		2		32	32	
1-b.....	Women's clothing.....		3				186	167	
6-a.....	Laundries.....		6		1		65	65	
6-b.....	Cleaning and dyeing.....		3				15	15	

## REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.85

Amsterdam, Auburn.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN—			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
6							3				
5	4		1				22	235		1	
							58	13		4	
4								72		10	
4	1		1						8	1	
4								13		2	
2							7	24		5	
								55		19	
2	6		3								
14	18	148	8				1	129		3	
								475		19	
7		3	1					100		4	
								9	22	7	
1	9	12	6					78		13	1
5			1				45	1		3	
8	1	334	22					403		4	
24	188	1,372	117				117	3,034		97	5
1	2							31		5	
24	27	1,449	51					32		76	4
1								12	3		
		9						9		4	
		7					4	14		12	
								13		1	
1									4	2	
								21		12	
	4		1				30	1		5	
2								26		4	
										2	
								47	9	2	
106	265	3,334	212				34	378	7,079	46	317
2	4	10	2				6				
6	2		2					2		1	
	2	2	2				7	1			
								15		15	2
17	6		1					301		4	
								27			
120	32	4	5					30			
								5		1	
3								14	1,623	9	
		2					8	70			
7	4	5						14		3	
									5	4	
7								4	180	1	
25	168	836	108	4							
1		6						82	1,723	10	3
								4	14	5	
		25							9	2	
									27		
	4	72	6					109	23	12	4
3		48							42		
8	36	434	28					28	761	4	3
17	35	280						390	405	4	
		19							32	1	
		155							167	3	
		44	1	2					65	11	
		4							12	2	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		NUMBER	
			Once.	More than once.		Office force.	Shops.	Total.	
AUBURN—Continued.									
X-1-a.....	Flour and feed.....			2				10	10
1-b-2.....	Canned goods.....			3			2	206	40
3.....	Bakeries and confectionery.....			11				36	32
4.....	Cigars.....	2		4				20	20
5-e.....	Malt liquors.....			5			2	59	61
XI.....	Gas and electricity.....			3				33	33
XII.....	Carpentry and plumbing.....			2				16	16
	Total.....	4	105		6	213	7,933	7,083	
BINGHAMTON.									
I-1-b.....	Monuments and cut stone.....			2		3		95	96
4-5.....	Clay products and glass ware.....	1		2			3	106	109
II-3-e-g.....	Hardware.....			3		6	5	195	200
3-o-q.....	Sheet-metal goods and plating.....			4		4	3	31	31
3-t-v.....	Engines and machinery.....	1		3		5	10	126	116
5.....	Vehicles.....			5		6	9	427	435
7.....	Agricultural implements.....			1			2	50	52
9.....	Scales, clocks and instruments.....	1		5		4	35	497	499
10.....	Electrical apparatus.....			4		4	8	45	53
III-1.....	Lumber and house trim.....	1		3		2	17	238	255
2.....	Barrels and boxes.....			3		4	3	150	149
5-a.....	Furniture.....			2		2	2	285	240
5-e.....	Cabinet work.....			4		4	1	46	43
6.....	Wooden tools and toys.....			2		1	2	138	140
IV-1-2.....	Leather stock and brushes.....			2		1	4	103	107
3.....	Harness and other leather goods.....			3		5		39	38
5.....	Articles of horn, bone, etc.....			1		2	3	85	88
V-1-c.....	Photographers' supplies.....			2			4	35	27
3-5.....	Wood alcohol and oil.....			2		1	3	18	21
VII-2-a.....	Paper goods.....			1	1	3	5	152	107
3-a.....	Printing, engraving and bookbinding.....	1		12		12	24	234	256
VIII.....	Textiles.....			2		1	3	113	116
IX-1-a.....	Men's clothing.....			8		8	11	512	485
1-b-5-a.....	Shirt waists and neckwear.....			2		1		41	28
5-g.....	Household goods and apparel.....			2		1	2	51	31
6-a-b.....	Laundering and dyeing.....	1		9		12	5	97	102
X-1-a.....	Grain handling and milling.....			5		2	16	79	95
1-d.....	Flavoring extracts.....			2		2	4	16	20
2.....	Meat and eggs.....			2		2	2	10	12
3-b-c.....	Bakeries.....			7		6	6	62	66
3-d.....	Confectionery.....			3			5	59	64
4.....	Cigars.....	3	26	1	28	31	2,317	2,281	
5.....	Ice and beverages.....			5		3	3	36	39
XI-1-2.....	Water and gas.....			2				31	31
4.....	Electric light and power.....			2			5	22	27
XII-3.....	Carpentry.....			2		2	1	13	11
8.....	Plumbing and steam-fitting.....			2		4	5	31	32
	Total.....	9	147	2	141	243	6,585	6,504	
BUFFALO.									
I. STONE AND CLAY PRODUCTS.									
1.....	Stone.....			6			10	296	291
2-b.....	Emery and foundry facings.....	1		2		1		17	17
3-b.....	Cement and asphalt.....			3	1		8	542	343
3-c.....	Plaster.....			5		1	1	59	47

## REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.87

Auburn-Buffalo.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN—			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
2		7					3	10		1	
								35		3	
	2	2	2			20		32		27	1
										3	
2							43	16			
							15		18	2	
						16				6	
213	295	1,947	157	6		57	1,189	5,606	18	134	13
1							92	3		2	
3	10		3				106			5	
5	12	1	3				166	29		12	0
3	1						17	11		7	
10							105	1		3	
9	4	7	2			2	204	220		6	
2								50		4	
35	4	7					334	130		16	
8							31	14		6	
17	9	5	4				68	170		8	1
3	4	70	1					146		6	
2	4	9						238		5	
1								42		4	
2	3							138		2	
4	2	75	4				92	11		6	
		6					11	27		3	
3	7	8	5	2				85		10	2
4		6						23		7	
3											
5		58	1			22	18	80		8	1
24	10	7	6			85	141	6		17	1
3	7	40	3					113		6	
11	1	382	1			90		384		15	
		26	1			28				4	1
2		20						29		2	
5		63					17	80		6	
16		8						54	25	16	
4	1	8						16		3	
2		4						10			
6	1	4					7	55		20	
5	1	38	9				9	60		8	1
31	22	1,546	34		1	412	413	1,425		27	6
3								32		4	
							15		4	1	
5									16		
1									22	3	
1							10			1	
5	1						27			2	
243	104	2,398	77	2	1	639	1,963	3,592	67	255	13
10	3	60				92	169	20		7	
	1						4	13			
5							125	213		4	
1							2	44		3	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		Total.
			Once.	More than once.		Office force.	Shops.	
BUFFALO—Continued.								
I. STONE AND CLAY PRODUCTS—Con.								
4-a-b...	Brick and fireclay products.....	1	3			1	160	147
5-a...	Building glass.....	1	3		3		32	24
5-b...	Mirrors.....		5		3	2	80	82
5-c...	Cut glass.....		5		2	6	156	144
5-e...	Sorting bottles.....		1		1		2	1
	Total.....	3	33	1	11	29	1,344	1,096
II. METALS, MACHINERY AND APPARATUS.								
1-e...	Jewelry.....		22		17	29	331	338
2-a...	Smelting.....	1				8	240	246
2-b...	Coppersmiths.....		4		2	4	65	62
2-c...	Brass foundries.....	2	8	1	5	5	86	83
2-d-f...	Valves, gas and plumbers' fixtures.....		4		2	1	142	83
2-g-h...	Other brass goods and lead products.....	2	11		11	22	422	392
3-b...	Pig iron.....		3		1	10	1,003	482
3-c...	Structural iron.....	1	11		7	26	668	571
3-d...	Car wheels.....	1	3			19	390	240
3-e...	Rolling mills and steel works.....	2	2		1	1	187	68
3-f...	Locks, bolts, screws, etc.....	1	3		3	4	80	78
3-g...	Hardware.....	1	6			17	123	125
3-h...	Cutlery.....		3		2	2	44	46
3-i...	Tools.....	4	12		10	16	257	251
3-j-l...	Dyes, patterns and typewriters.....		4		2		31	31
3-m...	Metal beds, wire springs and mattresses.....	1	5		3	14	421	379
3-n...	Wire goods.....		5		11	12	183	159
3-o...	Tinware, sheet-metal w'k, metal stamp'g.....	3	39		25	88	2,027	1,945
3-p...	Toys and novelties.....		1		2		4	4
3-q...	Plating and enameling.....		7		7	3	63	52
3-r...	Cooking and heating apparatus.....	1	10		1	36	1,919	1,743
3-t...	Boilers and engines.....		19		16	36	2,317	1,888
3-u...	Machinery.....		40		24	145	2,102	1,749
3-v...	Foundries.....		17			48	2,539	1,865
4...	Railway repair shops.....	1	7			46	8,395	3,016
5-a...	Carriages, wagons and sleighs.....	3	40		23	8	498	344
5-b...	Cycles and parts.....	5	12		4	14	393	268
5-d...	Motor vehicles.....	4	13	1	3	42	1,006	898
5-e...	Cars (except railway repair shops).....		2			6	1,640	91
6...	Ship and boat building.....	1	2		2	1	259	110
7...	Agricultural implements.....		4			55	913	601
8-a-b...	Pianos and organs.....	1	7	1	2	14	535	517
9-a...	Dental and surgical appliances.....	1	4			3	63	66
9-b...	Optical goods.....	2	5		1	3	66	69
9-c...	Scales.....		2		3	7	134	141
9-e...	Thermometers and meters.....	3		1	1	2	20	22
9-f...	Lamps and acetylene gas machines.....	1	3		1	44	372	397
10-a...	Electrical instruments.....		5		1	2	124	92
10-c...	Dynamoes and electrical appliances.....	3	7		3	22	132	137
	Total.....	45	352	4	197	815	25,104	19,649
III. WOOD MANUFACTURES.								
1...	Lumber and house trim.....	4	25		16	60	2,113	2,123
2-a...	Packing boxes and barrels.....	2	24		11	5	541	482
2-b...	Cigar boxes.....		3		2		25	25
3-4...	Baskets and brooms.....		6		4		17	15

Buffalo.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office etc.	Males under 13 years (shops).	Fe-males (shops).	CHILDREN—			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
1	10		5			36	63	47		1	1
1	1					6	7	10		3	
2	4		2				51	29		10	1
6	4	10					100	38		8	
								1			
26	23	70	7			134	521	415		36	2
29	19	20	12			4	229	76		26	5
8		1						238		4	
4	7	5	4				56	2		8	3
5	3		1			1	26	51		10	1
1	1					55		27		8	
22	18	45	3			11	145	214		16	1
10								2	470	4	
26	7		2				67	478		24	
19							50	171			
1								67		1	
4	3		1			1		72		3	
17	10	22	1				47	61		12	
2	10						2	42		5	
16	19	11	1				54	181		10	1
	1	11					12	19		5	
14	30	76	6				56	309		9	1
12	14	20	7					147		15	5
88	248	269	47			140	89	1,628		57	9
								4			
3	7		1				1	48		19	1
36	20		9				66	1,641		17	7
36	22		6				312	1,540		33	6
145	71		11	1		217	539	848		69	4
48	22	33	4			1	678	1,138		22	1
46							570	2,400		6	
8	2		1				81	255		27	1
14	10	22					6	248		5	
42							221	635		30	
6							20	65			
1							109			3	
55	22		3					546		6	3
14	11	50	4				13	490		8	3
3	7	4	3				49	14		4	1
3	2		1			6	59	1		3	
7	29		1				5	129		2	
2	2						20			4	
44	2			1			6	347		9	
2	16						11	79		6	2
22	5		1			4	40	71		5	1
815	640	589	131	2		440	3,640	14,284	470	495	56
60	171		34			34	311	1,718		38	20
5	53		22			2	108	367		35	16
	6	10	4				1	24		3	1
	1	1	1				12	3		1	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		Total.
			Once.	More than once.		Office force.	Shops.	
BUFFALO—Continued.								
III. WOOD MANUFACTURES—Con.								
5-a.....	Furniture and upholstery.....	1	36	16	34	1,101	1,126	
5-b.....	Burial caskets.....		3	6	4	53	57	
5-c.....	Store and office fixtures.....	3	6	2	17	619	525	
5-e.....	Cabinet work.....	1	4	2	5	201	198	
6-d.....	Refrigerators and domestic appliances.....	2	5	1	1	107	95	
6-c-e.....	Other articles and appliances of wood.....	1	19	12	15	404	379	
7.....	Picture frames.....	1	8	2	1	124	112	
Total.....		15	139	74	142	5,305	5,137	
IV. LEATHER AND RUBBER GOODS.								
1.....	Manufacture of leather.....		7		14	893	907	
2-a.....	Furs and fur goods.....	3	6	3	1	50	35	
2-b-c.....	Brushes and hair goods.....	1	4	2		25	23	
3-a.....	Belting and washers.....		3	4	7	80	44	
3-b.....	Harness.....	2	21	26	20	343	274	
3-c.....	Trunks.....		7	3	3	129	127	
3-d.....	Shoes.....	2	25	17	5	619	598	
3-e.....	Gloves and mittens.....	1	5	2	5	87	73	
3-f.....	Fancy leather goods.....	1	1			39	39	
4-5-b.....	Rubber, pearl, bone and bone goods.....		12	3	12	381	389	
Total.....		10	91	60	67	2,646	2,509	
V. CHEMICALS, OILS AND EXPLOSIVES.								
1-a.....	Medicines.....	3	13	12	46	413	320	
1-b.....	Baking powder.....		2	1		5	5	
1-d.....	Chemicals.....	1	5	1	15	259	267	
2-a-b.....	Paints and dyes.....		8	2	47	428	362	
2-c.....	Inks and adhesives.....		3	1	3	20	18	
2-d.....	Blackening and stove polish.....	2	4	3	8	35	39	
3-a-b.....	Wood alcohol and linseed oil.....		5		6	102	109	
4-a.....	Soap.....		7	1	468	1,233	1,688	
5-6.....	Mineral oils and fertilizers.....		6		3	961	964	
Total.....		6	53	21	596	3,457	3,772	
VI. PAPER AND PULP.								
1.....	Rags and paper stock.....	2	17	21	26	437	437	
VII. PRINTING AND PAPER GOODS.								
1.....	Printers' materials.....		2	2		5	5	
2-a.....	Pasteboard and velvet boxes.....	3	14	13	5	485	463	
2-c.....	Envelopes.....		2		4	123	115	
3-a.....	Printing and publishing.....	12	101	2	62	3,901	3,899	
3-b-c.....	Stationery, paper signs and novelties.....	3	3	2	5	45	42	
4-5.....	Wall paper and photography.....		3	3	21	198	219	
Total.....		18	125	2	82	4,757	4,743	
VIII. TEXTILES.								
1.....	Silk goods.....		1	1		131	106	
2.....	Woolen goods.....		3		1	88	89	
3-6.....	Cotton and hemp goods.....	1	2		5	122	127	
Total.....		1	6	1	6	291	272	
IX. CLOTHING, MILLINERY, LAUNDRY, Etc.								
1-a.....	Men's and boys' clothing.....	42	213	14	183	2,017	1,928	
1-b.....	Ladies' cloaks, wrappers, etc.....	7	35	23	7	809	646	
2-a.....	Shirts.....	1	3	1	3	159	125	
2-b.....	Women's white goods.....	3	2	2	3	144	147	

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.91

Buffalo.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN—			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
34 4 17 5  1 15 1	124 3 32 15  14 34 16	28 4    39 17	32  6 6  2 1 3	1      1	       	   1   6	58 49 23 26  2 317 99	1,034 4 485 166  92 41 12	   4  5 17 9	11 3 8 4  1 1 1	
142	469	99	110	1		43	1,006	3,946		160	57
14 1  7	26 1  6	26 21 4 10	14 1 4 9	   1	   	   	114 32 16 2	779 2 7 35	   3 2 3	 1  5	
20 3 5 5	8 13 54 4	38 18 210 33	5 6 60  	  1	  	8	125  183 68	121 124 410	12 9 27 6	1 1 7  	
  12	  12	  22 90	  7	  	  	24	 4	39 349	 20	 3	
67	125	472	102	1		32	544	1,866		87	18
46  15 47	4  4	185 1 17 18	1 1 1  	   	   	14	257 5 27 69	3  225 201	  13 7	1 1 1	
3 8 6 468 3	 1  169	1 21  299 16	 3  52  	   1	   	 20	15 31  866 744	 83 354 217	  9 18 7	  3 4	
596	178	558	57	1		79	2,014	1,083		67	9
26	8	300	25			37	91	283		37	23
 5 4	 16 6	 376 77	 45 2	  1	  	20	5 141 83	 297 28	 19 1	 4	
318 5 21	150 2 1	1,160 18	74 1	2		478 6 23	2,431 31	672  175	123 6 1	23 1	
353	176	1,631	122	3		527	2,691	1,172		150	28
 1 5	12 3 7	84 27 50	10 3 4	  	  	  	16 35 16	90 3 106	 8 4 5	 3	
6	22	161	17				67	199		17	3
28 7 1 3	33 5 1 2	1,115 565 106 128	69 13 8 3	   	   	168 13	1,277 592 62 44	455 34 62 100	179 39 4 5	27 8	



Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	FACORIES INSPECTED.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER
			Once.	More than once.		Office force.	Shops.	Total.
BUFFALO—Continued.								
IV. CLOTHING, ETC.—Con.								
3.....	Men's hats and caps.....	3	5	6	1	46	47	
4-a-b.....	Millinery and embroidery.....	7	30	13	254	153		
5-b-d.....	Corsets, suspenders, and umbrellas.....	1	3	3	13	14		
5-g.....	Awnings and canvas goods.....	7	10	7	40	39		
5-h.....	Department store workrooms.....	1	46	46				
6-a.....	Laundries.....	15	58	33	35	1,035	1,066	
6-b.....	Cleaning and dyeing.....	3	15	8	2	95	95	
Total.....		82	372	15	284	85	4,658	4,306
X. FOOD, TOBACCO AND LIQUORS.								
1-a.....	Grain handling and milling.....	3	19	4	15	994	944	
1-b.....	Pressed fruits and vegetables.....	1	1	6	3			
1-c.....	Yeast and starch.....	1	3	11	226	237		
1-d.....	Coffee roasting and grinding, spices, etc.....	12	5	8	92	79		
2-a.....	Slaughtering and packing.....	16	4	62	1,058	1,120		
2-b-c.....	Dairy products.....	1	7	5				
3-a-b.....	Macaroni and pretzels.....	1	6	4	1	53	51	
3-c.....	Bakeries.....	13	148	3	107	20	913	926
3-d.....	Confectionery (including ice cream).....	6	23	10	13	832	718	
4.....	Cigars and cigarettes.....	11	63	11	70	1	544	522
5-a-c.....	Artificial ice, vin'g'r and carb'd bev'ges.....	1	12	5	9	93	95	
5-d.....	Malt.....	4	9	154	76			
5-e.....	Malt liquors.....	31	1	4	37	661	645	
5-f.....	Wine and distilled liquors.....	12	5	22	76	77		
Total.....		40	356	15	218	199	5,709	5,498
XI. DISTRIBUTION OF WATER, GAS AND ELECTRICITY.								
2.....	Gas.....	1	1	3	200	203		
4.....	Electric light and power.....	2	8	6				
Total.....		1	3	3	208	209		
XII. BUILDING INDUSTRY.								
6-a.....	Sign painting.....	6	5	4	72	72		
7.....	Roofing and cornices.....	3	2	3	179	182		
8.....	Plumbing, gas and steam fitting.....	2	13	3	6	74	62	
Total.....		2	22	10	13	325	316	
XIII. WAREHOUSING AND COLD STORAGE.								
Grand total—Buffalo.....		225	1,570	38	979	2,344	54,245	47,948
COHOES.								
I.....	Stone and brick.....	2	99	90				
II-2.....	Valves and fixtures.....	2	1	9	240	226		
3-e-i.....	Iron pipe, tools, etc.....	1	3	1	9	527	517	
3-p.....	Knitting needles.....	3	3	10	5			
3-u-v.....	Foundries and machine shops.....	7	8	8	180	153		
5-9.....	Wagons and miscellaneous apparatus.....	2	1	2	11	8		
III-1.....	Lumber and house trim.....	3	5	80	73			
5-6.....	Cabinet work.....	1	2	2	83	55		
IV.....	Harness, belts, etc.....	2	2	10	3			
V.....	Chemicals, oils and explosives.....	1	3	15	14			
VI-1.....	Rags and paper stock.....	2	2	8	4			
2.....	Pulp and paper.....	2	20	20				

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.33

Buffalo, Cohoes.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops)	Females (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
1	2	26	2				36	10		3	
		133	5			2	82	69		27	
1	1	12	1				11	2		3	
7		15				4		28		3	
		40	1	1			46			1	
35	3	795	3			7	530	492	2	73	2
2	2	31	1				19	74		7	1
85	49	2,966	106	1		194	2,699	1,326	2	344	40
15	2	368	1					764	165	8	1
		3						3			
11	45	69	13			22	3	201		4	7
8	2	25	4			9	23	39		9	2
62	17	60	8				1	1,057		20	6
		3	5			3	5			2	
1	3	4	1			3	12	35		9	
20	30	237	8			1	114	790	1	261	5
13	13	420	9			18	32	655		23	9
1	56	57	36	2		503	11	7		43	12
9	3	12	2				36	50		10	2
						4	53	19		8	
37	6		2				554	54		16	1
22						23	21	11		5	
199	177	1,258	84	2		583	865	3,685	166	418	45
3								200		2	
								6		1	
3								206		3	
4	2	22	1	1		17	3	48		5	
3	1					173	6			4	
6	1					30	1	25		21	
13	4	22	1	1		220	10	73		30	
							4				
2,331	1,871	8,126	762	12		2,289	14,152	28,538	638	1,844	281
9	1					4		86		4	
9	2		1				217			2	
	2		2		1	6		502		8	2
	1						1	4		1	
8							112	33		5	
								3		1	
5	3						2	66			
2								53			
		2				2		1			
3		3						11			
								4		2	
								14	6	3	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		No owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
			Once.	More than once.		Office force.	Shops.	
COHOES—Continued.								
VII-2-a.	Paper boxes.	1	5			6	202	166
3-a.	Printing.	1	6		4	9	65	58
VIII-3.	Cotton goods.	3	9		1	21	2,965	2,972
4.	Knit goods.	10	16		2	32	3,041	2,900
5-a.	Bleaching, dyeing, etc.	1	2			4	30	26
IX-1-2.	Men's clothing, shirts and collars.	4	6		8		8	4
4-a.	Millinery.	2	6		10		21	8
6.	Laundering.	3	7		8	1	22	23
X-1-a.	Flour, feed, canned goods.	1	1		1		3	3
3-c.	Bakeries.	3	13		5	1	37	32
3-d.	Confectionery.		2		1	1	4	4
4.	Cigars and tobacco.	1	5		4		22	15
5.	Mineral waters, ale, etc.	2	2		3	2	20	22
XI.	Water, gas and electricity.	1	3				17	13
XII-3-7.	Carpentry, roofing, etc.		2		1		23	19
8.	Plumbing, etc.	1	7		3	16	89	69
Total.		37	122		72	129	7,882	7,557
CORNING.								
I-4.	Clay products.		1			2	126	128
5-c.	Cut and blown glassware.		15		4	30	2,112	2,096
II-3-d-u.	Hardware and machinery.	2	3		1		33	30
4.	Railway repair shops.		1			2	152	164
5.	Vehicles.		1			2	5	7
III.	Wood manufactures.		2		1	4	20	24
VII-3-a.	Printing.		3		1		32	29
IX-1.	Tailoring and dressmaking.		5	1	5		17	17
6-a.	Laundries.		3		1	2	17	19
6-b.	Cleaning and dyeing.		2		2		4	4
X-1-2.	Cereals, fruits and dairy products.		3			1	23	23
3.	Bakeries and confectionery.		9		3		24	23
4.	Cigars and tobacco.	1	5		4		24	20
5-c.	Malt liquors.		3		1	1	8	8
XI.	Water, gas and electricity.		3				11	11
XII-6.	Painting and decorating.		1				7	5
Total.		3	60	1	23	44	2,615	2,598
CORTLAND.								
I-2.	Abrasives.		1				15	15
II-3-g-n.	Carriage hardware and wire goods.		3			15	1,510	1,328
3-u-v.	Foundries and machine shops.		2				56	53
4.	Railway repair shops.		1				45	45
5.	Vehicles.	1	4		1	5	431	401
7.	Agricultural implements.		3			4	74	78
8-9.	Instruments.		1			3	73	76
III-1-2.	Barrels and house trim.		2				21	21
5.	Furniture and cabinet work.	1	2				32	14
V.	Chemicals.		2				18	6
VII.	Printing and wall paper.	1	3		1		31	31
IX-1-a.	Men's clothing.		7				29	20
6-a.	Laundries.		3			1	37	38
X-1-a.	Flour and feed.		2				8	8
1-b.	Preserved fruits and vegetables.	1						
2-b.	Dairy products.		2				9	

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.95

Cohoes-Cortland.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops)	Females (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
6	29	24	18				90	70		5	3
9	4		2				49			8	2
21	223	1,390	135		1			2,951		22	3
32	80	1,875	43			1	11	2,916		28	5
4	1	1	1				22			1	
							3	1		2	
		8					7	1		2	
1		9	1			18		4		2	
								3			
1	2		2			7	3	21		1	1
1						3				2	
	2		2			15				3	2
2								20			
							3	5	5	3	
							4	15		2	
16	2					16	37			6	
129	352	3,302	207		2	72	561	6,784	11	108	18
2	1		1			126				2	1
30	179	144	66			22	1,063	981		14	3
2	2							30		2	
								152			
2							5				
4						16		4		7	
		5						21		1	
		6						17		6	
2		12						17		1	
								4			
1		9						22			
	1		1				1	22		9	1
		8									
1						11		9		3	
								7			
								5	11		
44	183	184	68			175	1,077	1,291	11	45	5
15	47	91	8	1			1	15		1	
								1,312		11	6
								53			
								45		2	
5	6	15						396		6	
4	2	2		1				74		6	
3	1	2	1	1				73		5	
								21		1	
								14		3	
								6		2	
		11					31			1	
		7						20		11	
1		29						37		7	
								8			
								9		4	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
			Once.	More than once.		Office force.	Shops.	
CORTLAND—Continued.								
3-c.	Bakeries.		5		1		21	21
4.	Cigars.		4				25	25
5.	Malt liquors.		1				4	4
XI.	Gas and electricity.		1				5	5
	Total.		4	49	3	28	2,444	2,198
DUNKIRK.								
I-b.	Marble and stone cutting.		2		2		6	6
4.	Clay products.	1	2		2	1	43	36
II-3-e-1.	Iron and steel products.		2		2	6	133	119
3-c.	Sheet-metal goods.	1	1				8	6
3-r-v.	Engines, mach'y and foundry products.		5		3	71	3,337	2,471
5.	Vehicles.		3		3	3	32	35
III-1.	Lumber and house trim.	1	3		3	5	72	60
5.	Furniture.		2		4	2	12	14
VII.	Printing.	1	3		7	15	56	50
IX-1-2.	Clothing.		2		3	4	62	38
6-a.	Laundries.		2		1	3	62	65
X-1.	Flour and feed.		2		1	3	64	31
3.	Bakeries and confectionery.	1	5		7		15	15
4.	Cigars.	2	3		3		11	11
5.	Liquors.		4		3	2	33	34
XI.	Gas and electricity.	1	3			3	23	22
XII.	Plumbing.	1	2		3		10	8
	Total.		9	46	47	118	3,979	3,021
ELMIRA.								
I-1-b.	Cut stone.	1	2		1	2	13	15
4-5.	Brick and glass ware.		2		4	1	64	65
II-2.	Copper and brass goods.		1			2	45	44
3-c-e.	Iron work.		3	1	4	81	731	653
3-g-1.	Hardware and tools.		3	1	4	1	29	21
3-n-o.	Wire and sheet-iron goods.		3		1	2	32	32
3-t.	Boilers and engines.		2	1	4	17	324	307
3-u.	Machinery.		3		2	4	71	62
4.	Railway repair shops.		3	1		25	613	516
5-a.	Carriages and wagons.	2	4		4	1	19	17
5-b.	Bicycles and repairs.	1	4		3	9	385	111
7-10.	Other instruments and appliances.	1	2		2	1	10	11
III-1.	Lumber and house trim.	1	5	2	6	21	320	364
5.	Furniture and cabinet work.		4		3	11	243	234
6-7.	Wooden tools and ornaments.	1	1	1	1	8	109	107
IV.	Leather and hair goods.		5		2	10	289	274
V.	Paints and oils.		3		1	1	12	12
VII.	Printing and paper goods.		14		15	37	412	423
VIII-1-3.	Silk and cotton goods.	1	2		1	6	609	586
4.	Knit goods.		3		4	9	958	953
IX-1-a-2-a.	Men's clothing.		4		3	1	22	19
1-b.	Women's clothing.		2		3	2	79	69
5.	Household goods.		1		1		6	3
6-a.	Laundries.		7		8	5	86	85
6-b.	Cleaning and dyeing.	2	1		1		2	2
X-1-a.	Flour and feed.		2		2	3	12	12
2-b.	Dairy products.	1						
3-c.	Bakeries.	2	11		10		35	34

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.97

Cortland-Elmira.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
		2						21		8	
		5				22		3		1	
								4		1	
									5		
28	56	164	9	3		22	32	2,111	5	70	6
								6		2	
1	1							35		1	
6		3						113		10	
								6			
71	77		14				9	2,391		13	
3							25	7		6	
5								55		4	
2		1						12		6	
15	1	17	1				35			3	
4	1	25					1	32	1	2	
3		56						62		4	
3		20						28		4	
	1										
	3						8	7		7	
2						9		2			
3						3	23	6		4	
						10		9		3	
							5	3			
118	84	123	15			22	106	2,774	1	69	
2							13			2	
1		3						64		3	
2	5		1				42				
61							467	125		16	
1		9					20			8	
1	1						25	6		3	
17	3	1					290			6	
4	2						1	57		3	
16								15	485	5	
1							9	7		1	
9	1							102		2	
1								10		4	
21	6		2				179	104		14	1
11	7	7	3				145	78		6	
8	4		1					99		7	1
10		87					16	248		9	
1		5					6	5			
37	23	106	10			58	151	177		23	2
6	26	471	38				9	571		10	3
9	26	744	15			12	1	931		9	2
1	1	8				4	9	5		2	
2	1	60	2		1		67			5	
		2					3				
5		58					36	44		12	
								2		1	
3								9		1	
	2			1				34		15	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		Total.
			Once.	More than once.		Office force.	Shops.	
ELMIRA—Continued.								
3-d.....	Confectionery.....		3		2	2	17	14
X-4.....	Cigars and tobacco.....	2	16		20	13	538	225
5.....	Malt liquors and ice.....		6	1	5	9	93	83
XI.....	Distribution of water, gas and electricity.....	2	2			2	64	66
XII-8.....	Plumbing.....	1	5		6	7	77	47
	Total.....		16	129	8	123	293	6,310
FULTON.								
II-3-h-k.....	Cutlery and firearms.....		3			14	388	358
3-r-v.....	Furnaces, engines and machinery.....		4		2		44	35
5-6-10.....	Vehicles and motors.....		3		1		66	41
III-1.....	House trim, etc.....		3		2		15	9
2-a.....	Cooperage.....		3				44	31
4-5-6.....	Brooms.....	1	2		1	1	38	20
IV-1.....	Manufacture of leather.....	3						
VI-2.....	Paper and pulp.....		5			8	224	232
VII-3-a.....	Printing.....		1		1		3	3
VIII-2-c.....	Woolen cloth.....		1			6	1,060	926
IX-6-a.....	Laundries.....	2	2		2		9	7
X-1-a.....	Milling.....	1	4		2	2	32	25
1-b-2.....	Canned goods and dairy products.....		2			6	430	358
3-c.....	Bakeries.....	2						
3-d.....	Confectionery.....	1	1		1			
4.....	Cigars and tobacco.....	1	3		3		14	13
	Total.....		11	37	15	37	2,367	2,058
GLOVERSVILLE.								
I.....	Stone.....		2		1		10	10
II-3-j.....	Steel tools.....		3		3		8	7
3-l-p.....	Machinery and steel products.....	1	1				6	6
3-u-v.....	Foundries and machine shops.....		5		4		53	47
4-5.....	Vehicles and repairing.....		2				62	62
III-1-5-e.....	Lumber, house trim and cabinet work.....		5			4	64	58
IV-1.....	Leather.....	1	25		4	4	1,378	1,254
2.....	Fur goods.....		7		2	1	234	214
3-e.....	Gloves.....	12	82		24	30	3,321	3,230
3-f.....	Fancy leather goods.....		2			6	129	135
V.....	Oils.....		1				3	3
VII-2-a.....	Paper boxes.....	1	4				35	35
3-a.....	Printing.....		4		1		50	50
VIII-1.....	Silk textiles.....		4		2	2	100	96
2-b-4.....	Felt and felt goods.....	1	1			2	149	151
IX-1-5.....	Men's and women's clothing.....		2				15	15
6.....	Laundries and dyeing.....		5		2		46	40
X-1-a.....	Flour and feed.....	1	1		2		2	2
2-a.....	Meat and hide dressing.....		2				33	30
2-b.....	Dairy products.....		2				7	7
3-c.....	Bakeries.....		4		2		17	17
4.....	Cigars.....		4		4		31	31
5-e.....	Malt liquors.....		1				5	5
XI.....	Gas and electricity.....		2				8	8
	Total.....		17	171	51	49	5,766	5,515

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.99

Elmira-Gloversville.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	53-63 hours.	Over 63 hours.		
2		5					6	6		7	
13	5	70	1			86	1	135		17	
9	1						45	29		6	
2								60		1	
7						40			4	4	
263	114	1,636	73	1	1	200	1,541	2,923	489	202	9
14		4						344		10	
								35		9	
						25		16		7	
								9		4	
						3		28		3	
1		11						19		8	
8	6	12					11	99	114	20	
		1				1		2		3	
6	43	477	23			2	23	897		3	1
2		5						5		7	
								23		8	
6	25	175	6					352		9	6
										1	
		2				13				5	
37	74	687	29			44	34	1,829	114	97	7
								10			
								7			
		3						6			
	1		1				1	46		1	1
								62			
4							34	20		4	
4	2		2				1	1,249		13	
1		74						213			
30	41	1,372	60	1			158	3,042		17	2
6	6	63	12				9	120		3	4
		10						3			
								35			
	1		1				50			1	
2	1	61	9				5	91		4	
2	5	70	6					149		2	2
		5						15			
		23						39	1	4	
								2			
								30		3	
								4	3	2	
	2		2			31		17		1	
								5		1	
									8		
49	59	1,681	93	1		31	258	5,165	12	56	9



Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		NUMBER
			Once.	More than once.		Office force.	Shops.	Total.
HORNELLSVILLE.								
I.	Clay products.		1				23	23
II-3.	Wire goods and iron work.		4			1	56	55
4.	Railway repair shops.			1		13	601	562
5-10.	Vehicles and electrical supplies.		1				25	22
III-1.	Lumber and house trim.		2				222	222
5-6.	Furniture and other articles of wood.		2		1	1	73	68
IV-1-3.	Leather and leather goods.		4			3	114	117
VII-3-a.	Printing.		3				46	46
VIII-1.	Silk goods.		4	1		9	974	981
IX-1-a.	Men's clothing.		7		2		25	21
1-b-2-b.	Women's clothing.		2			1	81	82
4-a.	Millinery.		3				22	8
5.	Canvas goods.		1				2	2
6-a.	Laundries.		6		1	1	57	58
6-b.	Cleaning and dyeing.			1			3	3
X-1-2.	Flour mill and dairy products.		2				6	6
3.	Bakeries and confectionery.		6		3		9	9
4.	Cigars.		4			1	22	21
5.	Beverages.		2			1	20	20
XI.	Gas and electricity.		2				10	10
XII-8.	Plumbing.		1				6	6
Total.			57	3	7	31	2,397	2,292
HUDSON.								
I-1-3.	Stone products.		2		1	10	212	222
4.	Clay products.		2		2		106	93
II.	Metals and machinery.	1	2			11	155	128
III.	Wood manufactures.		3				96	81
VII.	Printing and paper goods.		3			5	78	81
VIII.	Textiles.		3			18	945	963
IX-1-a.	Men's clothing.	1	3				24	8
4-a.	Millinery.		5		4		23	2
6-a.	Laundries.	2	5		8		7	7
X-2.	Meats and dairy products.		1			4	40	30
3-c.	Bakeries.		12		10		16	15
3-d.	Confectionery.		2		1		3	3
4.	Cigars.		5		2		25	25
5-c.	Malt liquors.		3			3	72	66
XI.	Distribution of water and gas.		2				9	9
Total.			4	53	28	51	1,811	1,733
ITHACA.								
I.	Stone and clay products.	1	3		2	2	66	56
II-3-k-o.	Tin work and firearms.		4			4	280	251
3-t-u.	Engines and machinery.		4		1	3	76	73
4.	Railway repair shops.		1				12	8
5.	Vehicles.		4		3	1	29	23
6-7.	Boats and agricultural implements.		2			6	43	45
9-10.	Instruments and electrical goods.		3			4	60	62
III-1.	Lumber and house trim.		8		3	5	81	75
2.	Barrels and boxes.		2		1		24	24
5-6.	Furniture, cabinet & other woodwork.		6		3	13	109	110
V.	Chemicals and drugs.		1			20	19	39
VI.	Paper and paper stock.		2		2	1	22	21

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

111.101

Hornellsville-Ithaca.

OF EMPLOYERS AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
1								23			
11	4					30		24			2
							551				3
								22			2
	15		7					222			5
1								67			1
3		13				30		84			5
		9					3	43			
9	3	728	8					922		14	4
1		10						21		2	
		76						81			
		8						8			
1		1						2			
		42						57		5	
								3		3	
								6		1	
1		5				14	6	9		4	
1							12	7			
								4	6		
							6			2	
29	22	892	15			74	578	1,605	6	46	9
10						12		200		2	
	5		3	2			5	88		3	
11								117		2	
	2		1				36	45		13	
5	5	25	3				29	47		8	
18	39	505	56				390	555		14	
		5					4	4		2	
		2					1	1		3	
		2						4	3	3	
4								26	3	3	
								15		1	
								3		21	
										8	
	3					10		15		5	
								63		3	
							6		3	1	
51	54	539	63	2		22	471	1,183	6	89	
2						48		6		1	
4	1		1				26	221		3	
3							44	26		3	
								8			
1								22		1	
6							35	4			
4	1	2	1					58		6	1
5							68	2		4	
		3						24		1	
13		37					18	79			
20		16	1				19				
1		2						3	17	1	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		Total.	
			Once.	More than once.		Office force.	Shops.		
ITHACA—Continued.									
VII-3-4.....	Printing and publishing.....		11		5	5	190	188	
IX-1-a.....	Men's clothing.....		12		7	1	74	70	
1-b.....	Women's clothing.....	1	2			1	17	18	
2.....	Shirts and white goods.....		3			3	18	15	
4-a.....	Millinery.....		4		1		32	27	
5.....	Miscellaneous white goods.....		1		1		2	2	
6-a.....	Laundries.....		6		4	4	69	68	
6-b.....	Cleaning and dyeing.....		8		4	1	22	20	
X-1-a.....	Milling.....	1	1			1	59	7	
1-e.....	Salt.....		2		1	4	153	146	
3-c.....	Bakeries.....		7		9	1	29	30	
3-d.....	Confectionery.....		3		1		6	5	
4.....	Cigars.....		10		8	1	86	80	
5.....	Beverages.....		4		2	1	13	12	
XI-1-2.....	Water and gas.....		3				18	16	
XII-3-8.....	Carpentry and plumbing.....		1	1		1	28	26	
Total.....			3	118	1	58	83	1,617	1,517
JAMESTOWN.									
I.....	Stone and clay products.....	1	2			2	73	75	
II-2.....	Brass goods.....		1		1		8	8	
3-g-1.....	Hardware and tools.....		3		6	1	42	38	
3-m.....	Metal beds and springs.....		2		3	1	39	40	
3-o.....	Sheet-metal goods.....	2	3		8	72	743	815	
3-t-v.....	Boilers, engines and machinery.....	1	8		12	7	181	173	
4.....	Railway repair shops.....		1				15	7	
5.....	Vehicles.....	2	2		2		7	6	
6.....	Boats.....		2		1		13	7	
9.....	Instruments and special appliances.....		2		2	10	11	21	
I 1-1-2.....	House trim and cooperage.....		9	1	14	13	292	246	
5-a.....	Furniture.....		23	1	52	66	1,778	1,659	
5-e.....	Cabinet work.....		4		12	1	95	77	
6-d-e.....	Household and other wooden articles.....		3		3	6	106	93	
IV.....	Leather goods.....		2		2		46	46	
V.....	Chemicals and drugs.....	2	2		3	2	16	14	
VI.....	Paper stock.....		1		1		6	6	
VII.....	Printing and paper goods.....	3	9		12	30	155	164	
VIII-2-c.....	Woolens and worsteds.....	1	4		7	20	1,895	1,709	
3-6.....	Other textiles.....		2		3	2	53	45	
IX-1.....	Men's and women's clothing.....	4	12		10		56	56	
4-5.....	Millinery and household goods.....		3		3		17	11	
6-a.....	Laundries.....		4		5	4	90	37	
X-1-a.....	Flour and feed.....		2		2	2	14	9	
3.....	Bakeries and confectionery.....	1	2		1	1	16	13	
4.....	Cigars.....		9		7		43	36	
5-e.....	Malt liquors.....	1	3		4	2	45	44	
XI-4.....	Electric light and power.....		3				27	26	
XII.....	Carpentry, painting and plumbing.....		1		1		21	10	
Total.....			19	125	2	177	242	5,903	5,491
JOHNSTOWN.									
I-4.....	Clay products.....		1		1		16	16	
IV-1.....	Leather.....		3				100	45	
2-a.....	Fur goods.....		4				126	114	
3-e.....	Gloves.....	1	3			4	149	153	

## Ithaca-Johnstown.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
5	1	53	1				50	133		4	
1		21						69		5	
1		14					13	4		3	
3		10				8	3	1		3	
		25					17	10		2	
		1						2			
4		54						64		5	
1		2						19		3	
								6			
4		14						142		2	
4		4						29		5	
1								5		6	
	1	6				79				1	
1								11		1	
						4			12		
1							20	5		2	
83	4	264	4			139	313	953	29	62	1
2								73		1	
								8		6	
1	5							37		11	
1	5		2					39		7	
72	10		8				738	5		7	
7	1		1				3	163		12	1
								7		4	
								6		2	
								7			
10	1	3				5		6		2	
13	1		2				6	227		1	
66	31	11	5				3	1,590		35	1
										77	1
1								76		11	
6								87		6	
		12						46		3	
2	1	6	1				10	2		5	1
		4					6			4	
30	11	35	5			2	130	2		8	
20	178	876	322				1,081	608		11	1
2		33					43			2	
	1	4	1			1	3	52		8	1
		7					2	9		2	
4		24					17	16		15	
2								7		7	
1								12		1	
	3		2	1		32	4			8	1
2	2						42			5	
							10	7	9	4	
							10			2	
242	250	1,015	349	1		40	2,108	3,092	9	267	7
								16		3	
								45			
4	3	30	4				1	114		1	
		78						148		1	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		Total.
			Once.	More than once.		Office force.	Shops.	
JOHNSTOWN—Continued.								
3-f.	Fancy leather goods.	1						
V-2-c.	Adhesives.	1						
VII-2-a.	Paper boxes.		1				19	19
IX-1-b.	Women's clothing.		1				70	58
6-a.	Laundries.		1				8	8
Total.		3	14		1	4	488	413
KINGSTON.								
I-1-3.	Stone products.		2				114	114
4.	Clay products.		2				376	376
II-2.	Copper, lead and zinc goods.		2		1	2	117	119
3.	Hardware machinery and castings.	1	6		3	25	274	280
4.	Railway repair shops.		2			2	81	83
5.	Vehicles.	1	2		1		10	10
6-7.	Boats and agricultural implements.		3			4	200	187
III-1-2.	House trim and cooperage.	3	7		3	4	104	83
5-a.	Furniture.	1	2		1		9	9
IV-2.	Hair goods.		1				150	120
V.	Chemicals and oils.	1	2			1	16	17
VII-2-3.	Printing and paper goods.		6		5	11	84	85
VIII.								
IX-1-2.	Textiles.		2		1	1	164	165
4-5.	Clothing and shirts.		4		1	2	370	339
6-a.	Millinery and miscellaneous cloth goods.		2		2		12	6
	Laundries.		6		3		55	46
X-1-a.	Milling.		2			6	18	24
3-c-d.	Bakeries and confectionery.	3	15		7	2	48	50
4.	Cigars and tobacco.		5		3	7	1,582	932
5-b-c.	Cider and mineral waters.		3		1	1	44	19
5-e.	Malt liquors.		3				40	40
XI-2-4.	Gas and electricity.		3				25	20
Total.		10	82		32	68	3,893	3,124
LITTLE FALLS.								
II-3.	Foundries and machine shops.		5		2	2	115	100
5-7.	Vehicles and agricultural machinery.		7		3	20	218	226
III-1-2.	Boxes and house trim.		4		2	2	51	53
5-a.	Furniture.		4			3	60	60
6-e.	Wood-working.		1		1		5	5
IV.	Leather and rubber goods.		1			1	104	85
V.	Chemicals, etc.		1			4	18	22
VI.	Paper.		2			2	28	30
VII.	Printing.	1	4		2	3	25	28
VIII-2-c.	Woolen goods.		2			1	44	45
4.	Knit goods.		8			14	2,146	2,037
IX-1-2.	Men's and women's clothing.	1	3		3		8	8
6-a.	Laundries.		3				14	14
X-1-2.	Grain and meat products.		3			4	9	13
3.	Bakeries and confectionery.	1	6				18	18
4.	Cigars.		4		3		9	9
XI-2-4.	Gas and electricity.		3				10	10
Total.		3	61		16	56	2,882	2,763

## Johnstown-Little Falls.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
	4	50	4	2				19		1	
								58		1	
								8			
4	7	157	10				1	408		7	
	2						6	108			
	20		5	1			1	375		4	4
2	4	80	7					117		7	1
25	7		1				36	219		5	
2								81		1	
								10		1	
4	8							183		2	
4	4					4	70	5		4	
	18		12					9		2	
1	1	5	1				12	108		3	
11	6	7	1				7	9		6	1
							65	9		4	
1	8	94	27				108	56		7	16
2	4	276	15				100	237		5	
		6	1					6		7	1
	2	24	1				1	45		4	
6								18		1	
2	1							48		21	
7	10	727	24			32	771	122		3	
1								18		3	
							37	3		4	
									20		
68	95	1,219	95	1		36	1,214	1,786	20	94	23
2							61	37			
20								208		2	
2	1		1				1	50			
3	2	1	1				1	56		1	
								5			
1								84			
4		4						18			
2									28	4	
3	1	2					25				
1		2						44		5	
14	24	1,110	56				56	1,967		4	
		5						8			
		8						14		2	
								9			
								18		1	
						9					
									10		
56	28	1,132	58			9	144	2,516	38	19	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		Total.
			Once.	More than once.		Office force.	Shops.	
LOCKPORT.								
I-5.....	Glass.....	1	1			4	113	117
II-2.....	Aluminum and brass.....		3		2	1	30	15
3-e-1.....	Bar iron and tools.....		3		2		120	120
3-m-r.....	Metal beds and heating apparatus.....		2			11	356	367
[3-t.....	Engines and boilers.....		2		1		263	9
3-u.....	Machinery.....		8		5	1	132	126
3-v.....	Foundries.....	1	2			1	79	68
5.....	Vehicles.....		3		2		49	16
III-1.....	Lumber and house trim.....	1	3		1		9	8
2-a.....	Boxes and barrels.....	1	6		3	6	295	301
4.....	Brooms.....	1	1				50	27
5.....	Furniture and cabinet work.....	1	1		1		19	19
6.....	Wood and cork working.....		3			6	148	146
IV-2-3.....	Leather and hair goods.....	1	2		4		7	7
V-1.....	Drugs.....		1				5	5
VI-2.....	Paper.....		2			2	174	176
VII-3-a.....	Printing and publishing.....		10		7	3	173	172
VIII-2-c-6.....	Woolen and linen goods.....	1	2				7	7
3.....	Cotton goods.....		4		1	3	82	68
IX-1-a.....	Men's clothing.....	1	13		16		35	29
2.....	Shirts and white goods.....		4		1	3	143	146
5-g.....	Awnings and tents.....	2						
6-a.....	Laundries.....		4		6	1	29	30
X-1.....	Cereals and fruits.....	1	3		2	6	44	44
3-c.....	Bakeries.....		5		2	1	29	30
3-d.....	Confectionery.....		3		3		5	5
4.....	Cigars.....		4		1		14	13
5.....	Beverages.....	1	3		1	1	15	16
XI.....	Water, gas and electricity.....		1				9	9
Total.....		13	99		61	50	2,434	2,096
MIDDLETOWN.								
1.....	Stone and clay products.....		1		1	1	26	27
II-3-i.....	Tools.....		3			4	289	293
3-u-v-4.....	Foundries, car and machine shops.....		3		2	21	492	470
III-1.....	Lumber and house trim.....	2	1			2	12	14
IV.....	Leather and leather goods.....		2			3	144	147
VII-1-2.....	Printers' supplies and paper goods.....		2		1	2	37	39
3-a.....	Printing and publishing.....		6		8	6	42	48
IX-2-a.....	Shirts.....		2		1	2	93	84
3-6-a.....	Men's hats and laundries.....	1	2		1	3	256	259
X-1-2.....	Cereals and dairy products.....		2		1	3	88	83
3-c.....	Bakeries.....		6		2		18	15
4-5.....	Cigars and beverages.....	1	2		2		21	21
XI.....	Gas and electricity.....		4			2	13	15
Total.....		4	36		19	49	1,531	1,515
MOUNT VERNON.								
II.....	Metals, machinery and apparatus.....		3		1	5	242	243
III.....	Wood manufactures.....		5			12	233	214
IV.....	Leather and rubber goods.....		1	1		5	208	212
VII-3-a.....	Printing.....		7		1	6	51	55

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

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Lockport-Mount Vernon.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Females (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
4	23	8	4				63	50		8	4
1	1	3						14		1	
	2		1				108	12		4	1
11	6							356		1	
								9			
1	1							125		1	
1	2							67		2	
								16			
6	18		6				3	5		1	
		12					2	293		6	2
		19						27		1	
								19			
6	6	36	3			60	41	39		16	3
		2						7			
2		12					5	87	87	2	
3	2	82	11				69	100		12	8
		4						7		2	
3	1	30	1					65		5	
	2	10	1				1	28		4	
3		121					7	136		1	
1	1	19	1				5	23	1	4	
6		7						38			
1	1	6				1		28		1	
		1						5			
	1					13					
							10	5		1	
									9	1	
50	67	372	28			74	314	1,561	97	86	18
1	6	2						26			
4	9	18	3					28			
21							17	432		1	
2							12				
3		2						144			
2	1	15					17	20			
6	2	1					32	10		1	
2		74					82			1	
3	16	99	3				30	226			
3		27					77	3			
								15			
	3					17		4		2	
2								3	10		
40	37	238	6			17	267	1,172	10	10	
5	5	27	8			19	41	2		5	
12	6					19	4			8	
5	1		5				207	1		4	1
6	2						46			3	



Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		Total.	
			Once.	More than once.		Office force.	Shops.		
MT. VERNON—Continued.									
IX-1-2.....	Women's clothing.....		2				69	59	
6-a.....	Laundries.....		11		8		81	78	
X-3-c.....	Bakeries.....		15		8		54	52	
5.....	Beverages.....		2			9	45	51	
Total.....			46	1	18	37	983	904	
NEWBURGH.									
I.....	Stone and clay products.....		2		2	4	161	165	
II-3.....	Hardware, engines and machinery.....		5		1	24	475	426	
6-7.....	Boots and agricultural implements.....		2			6	425	351	
III-1.....	Lumber and house trim.....		3		1	2	31	33	
5-a.....	Furniture.....	1	2		2	3	28	31	
IV.....	Leather and rubber goods.....	1	1		1		13	13	
V.....	Chemicals and oils.....		3		1	10	65	51	
VII-2-3.....	Printing and paper goods.....		7		6	6	91	90	
VIII-2-5.....	Cotton goods, woolen goods and laces..	1	4		1	11	550	484	
IX-1-a.....	Men's clothing.....		4			24	917	918	
2-3.....	Hats, caps and shirts.....		3		1	5	706	679	
6-a.....	Laundries.....		2		2	1	14	15	
X-1.....	Cereals.....		1		1		2	2	
3-c.....	Bakeries.....	1	14	1	7		51	51	
4-5.....	Tobacco and beverages.....		3		1		18	18	
XI-2-4.....	Gas and electricity.....		3			2	29	31	
7-8.....	Cornices and steam fittings.....		2				13	13	
Total.....			4	61	1	27	98	3,589	3,371
NEW ROCHELLE.									
II-6-9-10.....	Boats, scales and electrical apparatus..		3	2	5	11	94	92	
III-1.....	Lumber and house trim.....		1	1	4	14	160	174	
V.....	Chemicals and drugs.....		1	1	2	3	11	12	
VII-3-a.....	Printing.....		5	1	7	29	339	368	
IX-6-a.....	Laundries.....	1	7	2	11	2	52	54	
X-3-c.....	Bakeries.....	6	5	1	2		28	26	
4-5.....	Tobacco and liquors.....		4		3	6	28	33	
XI.....	Light and power.....		2			4	22	26	
Total.....			7	28	8	34	69	734	785
NEW YORK CITY.									
I. Stone and clay products.									
1. Stone.									
b Cut Stone.									
Brooklyn.....			38		16	27	696	571	
Manhattan and Bronx.....		7	69	1	37	122	3,368	2,434	
Queens.....			19		7	33	951	482	
Total.....			7	126	1	60	182	5,015	3,487
2. TALC, GARNET, ROCK SALT, ETC.									
b Emery, Garnet, Graphite, Rock Salt, Etc.									
Brooklyn.....			4		1	8	121	128	
Manhattan and Bronx.....			6		3	10	95	105	
Total.....			10		4	18	216	233	

## Mount Vernon-New York City

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
		57	5				14	45			5
		55	2	1		38	30	10		2	2
								52		23	
9							20	18	4		
37	14	146	20	1		431	365	127	4	58	8
4	1						10	151		1	
24	2		1				260	142		2	
6							345				
2						25		6		2	
3	3		2					28		3	1
		6						13			
10		8					6	35			
6	1	13	1				73	11		2	1
11	51	326	40	6		23	11	430		4	1
24	12	701	7			6	888				
5	11	227					668	6		3	
1		4						14		4	
								2			
	2							51		5	
								18			
								5	24		
							13				
98	83	1,285	51	6		54	2,274	921	24	26	3
11	1						42	39			
14						160				3	
3		3					9			1	
29	3	108	2			6	323	10		1	
2		20				20	10		22	14	
6						12	3	26		9	
4						12	10	12			
69	4	131	3			210	397	87	22	28	
27	3		2			388	125	31		24	2
120	4	5				2,116	163	35		53	
33	7	3				390	59			32	
180	14	8	2			2,894	347	66		109	2
8	4	25	1				56	64		10	
10		36				15	66	14		5	
18	4	61	1			15	122	78		15	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER
			Once.	More than once.		Office force.	Shops.	Total.
	NEW YORK CITY—Continued.							
	I. Stone and Clay Products—Continued							
	3. LIME CEMENT AND PLASTER.							
	<i>a Lime.</i>							
	Brooklyn.....		1				3	3
	Manhattan and Bronx.....		2		1	1	8	9
	Total.....		3		1	1	11	12
	<i>b Cement and Asphalt.</i>							
	Brooklyn.....		7	1		15	279	249
	Manhattan and Bronx.....		6		1	4	199	203
	Queens.....		2			12	425	376
	Total.....		15	1	1	31	903	828
	<i>c Plaster and Plaster Casts.</i>							
	Brooklyn.....		1			3	80	25
	Manhattan and Bronx.....	1	18		13	18	210	159
	Queens.....		1			2	69	46
	Richmond.....		1			6	546	552
	Total.....	1	21		13	29	896	782
	<i>d Sifted Sand and Mortar.</i>							
	Brooklyn.....		1			4	20	8
	Manhattan and Bronx.....		1			6	5	11
	Total.....		2			10	25	19
	4. BRICK, TILE AND POTTERY.							
	<i>a Common Brick.</i>							
	Manhattan and Bronx.....		1			1	10	9
	Richmond.....	1	1			3	130	133
	Total.....	1	2			4	140	142
	<i>b Terra Cotta and Fire Clay Products.</i>							
	Brooklyn.....	1	11		3	35	683	646
	Manhattan and Bronx.....		15	1	5	13	216	169
	Queens.....	1	2			18	318	277
	Richmond.....		1			8	350	308
	Total.....	2	29	1	8	74	1,567	1,400
	<i>c Pottery Products.</i>							
	Brooklyn.....		9		4	15	439	312
	Manhattan and Bronx.....	2	21	1	15	34	198	171
	Queens.....		2		2	3	30	29
	Total.....	2	32	1	21	52	667	512
	5. GLASS.							
	<i>a Building Glass.</i>							
	Brooklyn.....	1	8	1	13	5	251	191
	Manhattan and Bronx.....	1	24		8	71	674	695
	Queens.....		1			6	111	72
	Total.....	2	33	1	21	82	1,036	958

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

### III.111

**New York City.**

[illegible]

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		NUMBER Total.
			Once.	More than once.		Office force.	Shops.	
	NEW YORK CITY—Continued.							
	I. Stone and Clay Products—Continued.							
	5. GLASS—Continued.							
	b Mirrors.							
	Brooklyn.....		1	2		3	117	85
	Manhattan and Bronx.....	4	31	10		18	916	780
	Richmond.....		1			2	120	24
	Total.....	4	33	2	10	23	1,153	889
	c Pressed, Blown and Cut Glass Ware.							
	Brooklyn.....	2	11	1	6	11	938	647
	Manhattan and Bronx.....	1	32	1	7	24	369	360
	Queens.....		2			6	66	72
	Total.....	3	45	2	13	41	1,373	1,079
	d Bottles and Jars.							
	Brooklyn.....		3	1		3	507	439
	Manhattan and Bronx.....		9	8		3	78	76
	Queens.....		1			2	115	96
	Total.....		13	1	8	8	700	611
	e Cleaning Bottles.							
	Brooklyn.....		2				45	44
	Total Group I.....	22	366	10	160	555	13,747	10,996
	II. Metals, Machinery and Apparatus.							
	1. GOLD, SILVER AND PRECIOUS STONES.							
	a Silver and Silver Plated Ware.							
	Brooklyn.....		8	3		5	421	223
	Manhattan and Bronx.....	9	66	45		191	2,061	2,008
	Total.....	9	74	48		196	2,482	2,231
	b Gold, Silver and Aluminum Leaf.							
	Brooklyn.....	1	9	11			77	77
	Manhattan and Bronx.....		9	8		14	167	144
	Total.....	1	18	19		14	244	221
	c Gold Pens, Pencils, Etc.							
	Brooklyn.....		3	4			45	45
	Manhattan and Bronx.....		12	1	8	7	296	287
	Total.....		15	1	12	7	341	332
	d Gold and Silver Watch-Cases.							
	Brooklyn.....		4	2		9	404	292
	Manhattan and Bronx.....	1	14	12		27	86	103
	Total.....	1	18	14		36	490	395
	e Jewelry (Not of Silver).							
	Brooklyn.....		12	6		4	272	213
	Manhattan and Bronx.....	40	388	2	251	303	4,366	3,937
	Richmond.....	1						
	Total.....	41	400	2	257	367	4,638	4,150

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.113

New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certifi- cate ordered dis- charged.
In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
3 18 1	4 13	14 8	1 3			64	82 622 23	76		2 46 3	2
22	17	22	4			64	727	76		54	2
11 24 6	77 17 6	27 62 3	33 8 5	1		58 90 56	55 192 10	523 54		19 40 4	8 3 2
41	100	92	46	1		204	257	577		63	13
3 3 2	155 8 14	3 3	10 7 6				414 34	22 39		4 15 3	1
8	177	6	23			94	448	61		22	1
							1	43		4	
550	370	619	95	1		4,001	3,132	3,313		467	30
5 192	11 53	66 146	1 19		1	120 11	62 1,439	36 366		10 81	3
197	64	212	20		1	131	1,501	402		91	3
14	5 1	39 45	2 1			8 56	30 39	39 35		13 13	1
14	6	84	3			64	69	74		26	1
7	2 13	5 33				5 22		40 29		2 16	
7	15	38	2			27	229	69		18	
9 27	7 2	21 4	1 1				62 53	221		7 9	
36	9	25	2			23	115	221		16	
4 366	5 164	33 476	6 75		1	20 288	167 2,674	22 609		16 295	3 19
370	169	509	81		1	308	2,841	631		311	22

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
			Once.	More than once.		Office force.	Shops.	
	NEW YORK CITY—Continued.							
	II. Metals, Machinery, Etc.—Continued.							
	1. GOLD, SILVER, ETC.—Continued.							
	f Diamond Cutting and Polishing.							
	Brooklyn.....		4			10	145	121
	Manhattan and Bronx.....	2	29		24	13	308	254
	Total.....	2	33		24	23	453	375
	2. COPPER, LEAD, ZINC, ETC.							
	a Smelting and Refining.							
	Brooklyn.....		4		2	3	35	35
	Manhattan and Bronx.....		10		6	106	176	256
	Queens.....		2			10	970	912
	Richmond.....		2			6	110	51
	Total.....		18		8	125	1,291	1,254
	b Copper-smiths' Work.							
	Brooklyn.....		9		5	4	124	94
	Manhattan and Bronx.....		13		5	14	440	440
	Total.....		22		10	18	564	534
	c Brass Foundries.							
	Brooklyn.....	2	14	1	10	7	229	201
	Manhattan and Bronx.....	1	24		22	19	450	424
	Queens.....		3		2	3	7	9
	Total.....	3	41	1	34	29	686	634
	d Valves, Hydrants, Soda-water Apparatus, Etc.							
	Brooklyn.....		3		1	1	24	25
	Manhattan and Bronx.....	2	23		17	44	516	418
	Richmond.....		1			1	20	21
	Total.....	2	27		18	46	560	464
	e Gas and Electric Fixtures.							
	Brooklyn.....		14	1	8	36	613	548
	Manhattan and Bronx.....	4	46	2	17	274	2,421	2,350
	Queens.....	1	1			5	44	49
	Total.....	5	61	3	25	315	3,078	2,947
	f Plumbers' Supplies.							
	Brooklyn.....		7	1	6	14	145	150
	Manhattan and Bronx.....		10		2	52	614	619
	Total.....		17	1	8	66	759	778
	g Other Brass and Bronze Goods.							
	Brooklyn.....	3	17		9	20	1,152	1,011
	Manhattan and Bronx.....	5	110	3	74	153	3,891	3,831
	Queens.....		2			3	81	48
	Total.....	8	129	3	83	176	5,124	4,890
	h Lead and Zinc Goods.							
	Brooklyn.....	1	5		4	5	212	217
	Manhattan and Bronx.....	3	12	1	3	32	866	767
	Total.....	4	17	1	7	37	1,078	984

## New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
10						20	46	45		4	
13						33	166	42		19	
23						53	212	87		23	
3								32		2	
106						35	45	70		9	
10	26		3					902			1
6	1							45		3	
125	27		3			35	45	1,049		23	1
4	1	2	1				81	9		6	
14	12	10	4			4	96	326		22	3
18	13	12	5			4	177	335		28	3
7	1						154	40		13	
19	2		2			12	305	88		18	
3							2	4		2	
29	3		2			12	461	132		33	
1		1	1				22	2		7	
44	4	6	3			8	271	95		44	2
1	3	6						20		3	
46	7	13	4			8	203	117		54	2
36	21	17	13				422	90		20	5
174	149	70	25			36	1,772	368		82	6
5	5	4	2			44				6	1
215	175	91	40			80	2,194	458		108	12
14	3		2				9	136		11	1
50	3		2			15	554			12	1
64	6		4			15	563	136		23	2
20	53	315	25			27	313	651		31	3
153	197	285	53		1	115	2,306	1,257		186	15
3	6		5			24		21		6	
176	256	600	83		1	166	2,619	1,929		223	18
5	1		1				3	209		11	1
32	11	334	9			12	332	372	1	37	
37	12	334	10			12	335	581	19	48	1



Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		NUMBER Total.
			Once.	More than once.		Office force.	Shops.	
	<b>NEW YORK CITY—Continued.</b>							
	<b>II. Metals, Machinery, Etc.—Continued.</b>							
	<b>3 IRON AND STEEL.</b>							
	<i>a Iron Ore Crushing, Separating, Etc.</i>							
	Manhattan and Bronx.....		1			5	7	10
	<i>b Blast Furnaces.</i>							
	Brooklyn.....		1		1	2	8	10
	<i>c Architectural and Structural Iron.</i>							
	Brooklyn.....		47		35	143	2,162	1,366
	Manhattan and Bronx.....	11	123	1	60	134	3,895	2,577
	Queens.....		3			17	700	291
	Total.....	11	173	1	95	294	6,557	4,234
	<i>d Car Wheels and Railway Equipment.</i>							
	Brooklyn.....		1				2	2
	Manhattan and Bronx.....		5		1	17	152	143
	Total.....		6		1	17	154	145
	<i>e Rolling Mills, Steel and Tin-Plate Works.</i>							
	Brooklyn.....		13		5	49	998	984
	Manhattan and Bronx.....	1	11	1	6	4	66	54
	Total.....	1	24	1	11	53	1,064	1,038
	<i>f Locks, Bolts, Screws, Etc.</i>							
	Brooklyn.....		10		1	6	231	225
	Manhattan and Bronx.....		9		5	16	229	203
	Queens.....		1		1	1	6	3
	Total.....		20		7	23	466	431
	<i>g Hardware, not elsewhere specified.</i>							
	Brooklyn.....		1	2	1		62	46
	Manhattan and Bronx.....		23	1	16	51	803	765
	Richmond.....		1					
	Total.....		2	25	1	17	870	811
	<i>h Cutlery.</i>							
	Brooklyn.....		4		2		26	26
	Manhattan and Bronx.....	3	23	1	22	21	575	457
	Total.....	3	27	1	24	21	601	483
	<i>i Tools.</i>							
	Brooklyn.....		1	19	3	17	368	372
	Manhattan and Bronx.....	1	18	1	13	9	150	149
	Queens.....		2		1	3	29	18
	Total.....		2	39	4	31	547	539
	<i>j Patterns, Dies, Stencils, Etc.</i>							
	Brooklyn.....		1	9	10		97	70
	Manhattan and Bronx.....		41		36	25	301	280
	Total.....		1	50	46	25	398	350
	<i>k Firearms.</i>							
	Manhattan and Bronx.....		1		1		1	1

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.117

New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
5						5					
2								8			
143	14		4			35	1,143	45		54	1
125	10	2	3			395	1,933	124		165	2
17	7					39	235			8	
285	31	2	7			469	3,311	169		227	3
							2			1	
17		2				2	16	108		7	
17		2				2	18	108		8	
49	36	15	11			134	633	168		12	4
4							28	22		12	
53	36	15	11			134	661	190		24	4
6	13	10	11			63	49	107		8	
16	6	4				3	98	86		6	
1						2				1	
23	19	14	11			68	147	193		15	
								46		1	
50	43	36	23			2	256	457		33	2
50	43	36	23			2	256	503		34	2
21	52	43	7			5	19	7		2	
							112	319		29	1
21	52	48	7			5	131	326		31	1
16	20	15	9	1		16	203	137		43	7
9	3	5	1			23	93	24		13	
3							7	8		3	
28	23	20	10	1		39	303	169		59	7
	3		2				34	36		17	1
25	10	5	3			10	242	3		20	1
25	13	5	5			10	276	39		37	2
						1					

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		NUMBER
			Once.	More than once.		Office force.	Shops.	Total.
	NEW YORK CITY—Continued.							
	II. Metals, Machinery, Etc.—Continued.							
	3. IRON AND STEEL—Continued.							
	l Typewriting, Registering and Sewing Machines.							
	Brooklyn.....		6		2	1	212	141
	Manhattan and Bronx.....	1	33		9	121	1,020	938
	Total.....	1	39		11	122	1,232	1,079
	m Metal Beds, Wire Springs, Mattresses, Etc.							
	Brooklyn.....		11		5	21	660	672
	Manhattan and Bronx.....		26	2	10	45	602	540
	Queens.....		1		1	1	25	16
	Total.....		38	2	16	67	1,287	1,228
	n Other Wire Goods.							
	Brooklyn.....		20		12	12	475	407
	Manhattan and Bronx.....	2	77	1	48	61	1,310	1,031
	Queens.....	1	2		2		7	7
	Total.....	3	99	1	62	73	1,792	1,445
	o Tinware, Sheet-Metal Works, Metal Stamping, Etc.							
	Brooklyn.....	2	33	1	15	135	3,842	3,897
	Manhattan and Bronx.....	12	113	2	56	207	1,842	1,725
	Queens.....	1	7		1	49	3,184	2,534
	Total.....	15	153	3	72	391	8,868	8,156
	p Toys, Buttons, and Fancy Metal Goods.							
	Brooklyn.....	2	25		18	13	557	476
	Manhattan and Bronx.....	4	69	1	14	66	1,195	1,063
	Queens.....		1		3	1	20	19
	Total.....	6	86	1	35	80	1,772	1,558
	q Plating, Enameling, Galvanizing, Etc.							
	Brooklyn.....	2	16		8	10	241	226
	Manhattan and Bronx.....	5	48	3	44	32	485	453
	Total.....	7	64	3	52	42	726	679
	r Cooking and Heating Apparatus.							
	Brooklyn.....	1	4		3	4	214	212
	Manhattan and Bronx.....	4	38	1	12	153	1,182	1,194
	Queens.....	1						
	Total.....	6	42	1	15	157	1,396	1,406
	t Steam Engines, Boilers, Pumps, Etc.							
	Brooklyn.....	1	19	1	3	166	2,645	2,340
	Manhattan and Bronx.....		24		1	51	1,442	1,094
	Queens.....		5		3	5	49	35
	Richmond.....		1				25	15
	Total.....	1	49	1	7	222	4,161	3,484

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.119

New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
1	2	20	2				119	21		13	1
121	35	20	7			51	708	58		41	4
122	37	40	9			51	827	79		54	5
21	2	20	2				45	606		27	1
45	15	24	8			2	189	304		46	3
1	1						15			4	
67	18	44	10			2	249	910		77	4
12	16	55	7			33	178	184		42	2
57	39	282	31	1	2	22	723	223	6	162	14
	1	3	2				1	6		9	1
69	56	340	40	1	2	55	902	413	6	213	17
135	187	752	95			97	960	2,705		67	18
207	29	75	3			300	597	612		129	4
49	192	420	128	1			208	2,277		23	4
391	408	1,247	226	1		406	1,765	5,594		219	26
13	26	108	25			8	217	238		47	16
66	84	340	37		1	26	523	448		129	20
1		8	2					18		5	2
80	110	456	64		1	34	740	704		181	38
10	12	10	7	1		12	26	178		28	4
32	14	38	6			3	281	137		77	2
42	26	48	13	1		15	307	315		105	6
4	9	3	5			40	10	158		7	1
152	10	17	11		4	157	691	194		73	3
156	19	20	16		4	197	701	352		80	4
166	2		7			40	2,134			21	7
51	12		2			89	569	385		27	1
5						8	18	4		11	
							15			1	
222	14		9			137	2,736	389		60	8

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected:		No. owners at work.	Largest Number of Employees in the Year.		NUMBER
			Once.	More than once.		Office force.	Shops.	Total.
	NEW YORK CITY—Continued.							
	II. Metals, Machinery, Etc.—Continued.							
	3. IRON AND STEEL—Continued.							
	u Machinery, not elsewhere classified.							
	Brooklyn.....	8	100	1	47	203	4,933	4,611
	Manhattan and Bronx.....	11	245	2	130	445	6,345	6,060
	Queens.....	2	5	3	3	7	165	136
	Richmond.....		6	1		47	516	373
	Total.....	21	356	3	181	702	11,959	11,180
	v Foundries and Machine Shops.							
	Brooklyn.....		28		15	42	2,045	1,670
	Manhattan and Bronx.....	1	9	2	2	25	502	442
	Queens.....		3	2		10	185	180
	Richmond.....		1			1	12	10
	Total.....	1	41	19	78	2,744	2,302	
	4. RAILWAY REPAIR SHOPS.							
	Brooklyn.....		2			38	410	448
	Manhattan and Bronx.....		11			29	2,624	2,323
	Queens.....		5			13	862	875
	Richmond.....	1	2			3	144	147
	Total.....	1	20			83	4,040	3,793
	5. VEHICLES.							
	a Carriages, Wagons and Sleighs.							
	Brooklyn.....	3	83	2	72	11	1,016	850
	Manhattan and Bronx.....	4	115	1	63	72	2,208	1,870
	Queens.....		3		4	3	56	54
	Richmond.....		3		2		28	23
	Total.....	7	204	3	144	86	3,308	2,797
	b Cycles and Parts.							
	Brooklyn.....		1				13	13
	Manhattan and Bronx.....	2	4		3		14	12
	Total.....	2	5		3		27	25
	d Motor Vehicles.							
	Brooklyn.....		6			26	299	160
	Manhattan and Bronx.....	3	12		7	17	241	164
	Queens.....		2			20	182	182
	Total.....	3	20		7	63	722	506
	6. SHIP AND BOAT BUILDING.							
	Brooklyn.....	1	4			11	1,605	1,061
	Manhattan and Bronx.....		5		3	4	153	126
	Queens.....	1	6		3	7	255	156
	Richmond.....		8		1	102	2,742	2,353
	Total.....	2	23		7	124	4,755	3,696
	8. MUSICAL INSTRUMENTS.							
	a Pianos and Parts.							
	Brooklyn.....	1	8		3	9	305	288
	Manhattan and Bronx.....	10	98	4	67	220	7,446	7,017
	Queens.....		3			11	888	899
	Total.....	11	109	4	70	240	8,639	8,204

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.121

New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Females (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN FACTS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
203	111	309	27			264	3,992	152		110	10
445	79	26	32	1		126	5,141	348		280	10
7							63	66		8	
47	8		4				258	68		6	
702	198	335	63	1		390	9,454	634		404	20
42	1	1				3	1,202	423		18	
25	3	22	3			9	403	5		15	1
10	1						170			11	
1							9			1	
78	5	23	3			12	1,784	428		45	1
38		22						410		1	
29	50		1				164	2,100	30	8	
13	23							862		12	
3								102	42	3	
83	73	22	1				164	3,474	72	24	
11	10		3			24	661	154		58	1
70	26	3	11			751	786	263		127	2
3								51		5	
								23		8	
84	36	3	14			775	1,447	491		198	3
	2		1			5		13		7	1
								5	2	6	
	2		1			5		18	2	13	1
26	3		2			6	134			8	
17	1						106	35		20	
20	7						162			6	
63	11		2			6	402	35		34	
11	1					12	1,038			3	
4						5	117			6	
7	1					16	133			14	
102	122		16				2,251			16	
124	124		16			33	3,539			39	
9	3	11	3			2	153	124		9	
217	267	32	111			129	6,548	123		96	10
11	22		12				888			9	
237	292	43	126			131	7,589	247		114	10

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER  Total.
			Once.	More than once.		Office force.	Shops.	
	NEW YORK CITY—Continued.							
	II. Metals, Machinery, Etc.—Continued.							
	8. MUSICAL INSTRUMENTS—Continued.							
	b Organs and Other Instruments.							
	Brooklyn.....	1	7	4	1	127	109	
	Manhattan and Bronx.....	22	1	15	14	250	168	
	Total.....	1	29	1	19	15	377	307
	9. OTHER INSTRUMENTS AND AP- PLIANCES.							
	a Scientific Instruments and Apparatus.							
	Brooklyn.....	3	12	10	8	306	254	
	Manhattan and Bronx.....	5	30	17	43	323	344	
	Richmond.....		1		19	709	714	
	Total.....	8	43	1	27	70	1,329	1,312
	b Optical and Photographic Apparatus							
	Brooklyn.....		3	4		22	21	
	Manhattan and Bronx.....	1	42	1	15	110	331	402
	Total.....	1	45	1	19	110	353	423
	c Scales.							
	Brooklyn.....		2	1		28	28	
	Manhattan and Bronx.....		7	2	28	279	288	
	Total.....		9	3	28	307	316	
	d Clocks and Time Recording Apparatus.							
	Brooklyn.....		3		17	1,373	1,250	
	Manhattan and Bronx.....	1	16	9	16	97	101	
	Total.....	1	19	9	33	1,470	1,351	
	e Thermometers, Meters, Steam Gauges. Etc.							
	Brooklyn.....		4	1	22	908	866	
	Manhattan and Bronx.....		13	7	19	367	343	
	Queens.....		1		14	181	195	
	Total.....		18	8	55	1,456	1,404	
	f Lamps, Lanterns, Reflectors, Stere- opticons, Etc.							
	Brooklyn.....		7	4	1	110	85	
	Manhattan and Bronx.....		20	12	42	825	721	
	Queens.....		1			16	16	
	Total.....		28	16	43	951	822	
	g Phonographs.							
	Manhattan and Bronx.....	1	2	1		3	63	31
	10. ELECTRICAL APPARATUS.							
	a Telephone, Telegraph, Fire-Alarm Apparatus.							
	Brooklyn.....	1	4	1	24	217	241	
	Manhattan and Bronx.....	5	27	3	10	905	4,354	4,177
	Total.....	6	31	3	11	929	4,571	4,418

## New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOES) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
1	7	1	5				13	95		5	
12	11	7	4			7	82	97		34	3
13	18	8	9			7	95	192		39	3
8	9	1	3				97	149		18	3
45	11	34	2			26	226	47		26	2
19	25	50	10				695			1	
72	45	85	15			26	1,018	196		45	5
	3							21		2	
110	16	13	10			29	205	58		35	6
110	19	13	10			29	205	79		37	6
28	5		2				160	100		2	1
28	5		2				160	128		11	1
17	209	351	5					1,233		11	5
16	3	1				7	38	40		11	
33	212	352	5			7	38	1,273		22	5
22	46	69	10				760	84		15	4
19	19	22	8			12	308	4		21	2
14	11	8	5				181			3	
55	76	99	23			12	1,249	88		39	6
1	6	8	2				43	41		15	1
42	19	44	7			6	80	593		44	5
							16			2	
43	25	52	9			6	139	634		61	6
3	5						28			6	
24	16	25	8			4	213			6	
894	216	538	8			19	3,138	126		44	
918	232	563	16			23	3,357	126		50	



Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER	
			Once.	More than once.		Office force.	Shops.	Total.	
	NEW YORK CITY—Continued.								
	II. Metals, Machinery, Etc.—Continued.								
	10. ELECTRICAL APPARATUS—Continued.								
	<i>b Electric Lamps.</i>								
	Brooklyn.....		1				5		3
	Manhattan and Bronx.....	1	10		5	48	762		764
	Total.....	1	11		5	48	767		767
	<i>c Dynamos, Motors and Electrical Supplies.</i>								
	Brooklyn.....	1	13		5	53	386		418
	Manhattan and Bronx.....	5	84	3	23	189	1,806		1,486
	Queens.....		2		1	1	77		76
	Total.....	6	99	3	29	243	2,269		1,980
	Total—Group II.....	208	2,939	52	1,648	6,081	103,892		92,910
	III. Wood Manufactures.								
	1. LUMBER AND HOUSE TRIM.								
	Brooklyn.....	2	67	1	28	94	3,084		2,562
	Manhattan and Bronx.....	3	110	10	56	127	3,310		2,400
	Queens.....	2	20		11	23	368		350
	Richmond.....		2		1	1	37		33
	Total.....	7	199	11	96	245	6,799		5,345
	2. BOXES AND BARRELS.								
	<i>a Packing Cases, Barrels, Shooks, Etc.</i>								
	Brooklyn.....	3	30		23	27	1,966		1,958
	Manhattan and Bronx.....	4	70		28	47	1,445		1,404
	Queens.....		4		1	11	219		183
	Total.....	7	104		52	85	3,630		3,545
	<i>b Cigar Boxes, Fancy Wood Boxes.</i>								
	Brooklyn.....	1	5	1	4	1	71		60
	Manhattan and Bronx.....	2	24	3	16	53	1,631		1,520
	Queens.....		1		1		5		5
	Total.....	3	30	4	21	54	1,707		1,585
	3. BASKETS AND OTHER WOVEN WORK.								
	Brooklyn.....		6	1	3	15	553		448
	Manhattan and Bronx.....	3	14		11	2	163		136
	Total.....	3	20	1	14	17	716		584
	4. BROOMS.								
	Brooklyn.....		5		2	1	61		62
	Manhattan and Bronx.....		8		3	4	101		90
	Total.....		13		5	5	162		152

## New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
48	9	497	2			15	683	18		13	1
48	9	497	2			15	686	18		14	1
53	17	4	5			18	246	101		23	5
189	77	94	28			115	1,028	154		146	9
1	2	63	5				3	72		5	
243	96	161	38			123	1,277	327		174	14
5,952	3,050	6,511	1,075	3	9	4,180	57,609	25,070	99	3,818	274
94	109	1	5			72	520	1,876		93	2
128	5	4	1			1,069	531	672		147	
23	13		1			40	47	240		54	
1						31	1			2	
246	127	5	7			1,212	1,099	2,788		296	2
27	75	2	8			2	148	1,781		24	
47	50	126	11			18	337	1,002		100	5
10	26		1				151	22		12	1
84	151	128	20			20	636	2,805		136	6
1	3	24	3			1	50	8		10	
53	49	527	50				534	933		67	9
		2					5			3	
54	52	553	53			1	589	941		80	9
15	25	64	8				155	278		11	1
2	4	17	3				60	74		16	2
17	29	81	11				215	352		27	3
1		18	3				50	11		3	
4	14		3				13	73		17	2
5	14	18	0				63	84		20	2

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		Number
			Once.	More than once.		Office force.	Shops.	Total.
	NEW YORK CITY—Continued.							
	III. Wood Manufactures—Continued.							
	5. FURNITURE AND CABINET WORK.							
	a Furniture and Upholstery.							
	Brooklyn.....	2	41	1	17	24	1,260	1,033
	Manhattan and Bronx.....	19	229	3	93	265	4,922	4,401
	Queens.....	1	3			5	123	38
	Richmond.....		2				28	14
	Total.....	22	275	4	110	294	6,333	5,486
	b Caskets.							
	Brooklyn.....		2		1		219	219
	Manhattan and Bronx.....		5		2	26	349	365
	Total.....		7		3	26	568	584
	c Store and Office Fixtures.							
	Brooklyn.....	3	21	1	18	5	391	330
	Manhattan and Bronx.....	6	54		24	42	1,153	1,026
	Total.....	9	75	1	42	47	1,544	1,356
	e Other Cabinet Work.							
	Brooklyn.....	2	38		25	10	821	747
	Manhattan and Bronx.....	8	76	7	52	43	1,826	1,213
	Queens.....		2			4	210	50
	Total.....	5	116	7	77	57	2,867	2,010
	6. WOOD, CORK AND AMBER WORKING.							
	a Articles of Cork.							
	Brooklyn.....	1	5		4	2	249	221
	Manhattan and Bronx.....		11	1	5	26	163	175
	Total.....	1	16	1	9	28	412	396
	b Pipes and Smokers' Articles.							
	Brooklyn.....		4		2	2	147	131
	Manhattan and Bronx.....	1	19		13	9	897	851
	Queens.....		1			7	330	337
	Total.....	1	24		15	18	1,374	1,319
	c Wood Toys and Novelties.							
	Brooklyn.....	1	9		7		99	79
	Manhattan and Bronx.....	4	56		35	30	704	628
	Richmond.....		1		1		6	4
	Total.....	5	66		43	30	809	710
	d Refrigerators and Domestic Appliances.							
	Brooklyn.....	1	4		5		228	219
	Manhattan and Bronx.....		11	1	5	15	334	253
	Total.....	1	15	1	10	15	562	454

## New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
24	10	80	5			11	135	863		43	2
259	50	643	15	1	1	1,483	941	1,714	4	315	9
5	5	2	1				20	13		9	
								14		7	
288	65	725	21	1	1	1,494	1,096	2,604	4	374	11
	1	28	1			185		34		3	1
26		87	2			35	304			7	
26	1	115	3			220	304	34		10	1
5	4	1	4			129	32	164		30	4
42	11	9	1			577	240	167		58	1
47	15	10	5			706	272	331		88	5
10	7		5			146	149	442		55	2
50	3	21				672	293	198		121	
5						45				3	
65	10	21	5			863	442	640		179	2
2	6	110	17				45	174		19	6
26	8	56	4			3	130	16		23	2
28	14	166	21			3	175	190		42	8
2	14	14	5			8	118	3		13	3
9	18	81	5			2	815	25		45	1
7	45	60	30				330			3	1
18	77	155	40			10	1,263	28		61	5
	3	8	1				47	31		14	1
30	29	56	19			38	244	316		92	15
								4		3	
30	32	64	20			38	291	351		109	16
	3	6	7			6	2	211		8	
15						70	147	3		7	
15	3	6	7			76	149	214		15	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		Total.
			Once.	More than once.		Office force.	Shops.	
	NEW YORK CITY—Continued.							
	III. Wood Manufactures—Continued.							
	a Other Articles and Appliances of Wood.							
	Brooklyn.....	4	26	2	18	11	284	242
	Manhattan and Bronx.....	6	131	2	104	61	1,336	1,123
	Queens.....		1		3		4	4
	Richmond.....	1	3		1		31	29
	Total.....	11	161	4	126	72	1,655	1,398
	7. PICTURE FRAMES AND MOLDINGS..							
	Brooklyn.....		5	2	5	8	191	186
	Manhattan and Bronx.....	7	88	1	50	72	1,323	1,254
	Total.....	7	93	3	55	80	1,514	1,440
	Total—Group III.....	82	1,214	37	678	1,073	30,652	26,364
	† IV. Leather and Rubber Goods.							
	1. MANUFACTURE OF LEATHER.							
	Brooklyn.....		14		4	3	730	699
	Manhattan and Bronx.....	1	12		6	28	151	160
	Total.....	1	26		10	31	881	859
	2. FURS, BRUSHES, ARTICLES OF HAIR, Etc.							
	a Furs and Fur Goods.							
	Brooklyn.....	4	34		18	17	1,358	1,256
	Manhattan and Bronx.....	89	588	23	623	544	6,922	5,455
	Total.....	93	622	23	641	561	8,280	6,711
	b Brushes.							
	Brooklyn.....		11		7	13	347	331
	Manhattan and Bronx.....	1	37	1	16	49	1,018	967
	Queens.....		1		1		14	14
	Total.....	1	49	1	24	62	1,379	1,312
	c Articles of Hair, Feathers, Etc.							
	Brooklyn.....		4		2	6	36	40
	Manhattan and Bronx.....	2	45		20	48	750	677
	Queens.....	1						
	Total.....	3	49		22	54	786	717
	3. LEATHER GOODS.							
	a Belting, Washers, Etc.							
	Brooklyn.....	1	2			1	93	79
	Manhattan and Bronx.....	1	14		6	45	184	214
	Total.....	2	16		6	46	277	293
	b Saddlery and Harness.							
	Brooklyn.....		16		12		63	54
	Manhattan and Bronx.....	1	51		37	28	434	389
	Total.....	1	67		49	28	497	443

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.129

## New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
11	21	33	1			4	98	129		19	1
61	22	41				194	488	380		153	2
	2					4				3	
							29				
72	45	74	1			202	615	509		175	3
8											
66	36	33	3	10	2	61	160	18		9	4
							541	580	6	105	
74	36	33	13	2		61	701	598	6	114	4
1,069	671	2,154	233	3	1	4,906	7,910	12,469	10	1,726	77
3	13	137	2	2		27		669		14	1
28	5	2		1		14	52	66		10	1
31	18	139	4	1		41	52	735		24	2
17	22	296	35				217	1,022		35	5
385	67	1,564	41		6	113	4,322	635		1,169	22
402	89	1,860	76		6	113	4,539	1,657		1,204	27
13	13	115	15			3	149	166		17	1
49	41	205	25			6	305	607		73	6
	4		2			14				2	
62	58	320	42			23	454	773		92	7
6		16	2				14	20		9	2
48	18	267	11			68	405	156		56	5
54	18	283	13			68	419	176		65	7
1							75	3			
45	7	5	3				142	27		18	1
46	7	5	3				217	30		18	1
28	1					3	26	25		10	
	20	34	9			10	170	181		56	4
28	21	34	9			13	196	206		66	4

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	FACORIES INSPECTED.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
			Once.	More than once.		Office force.	Shops.	
	<b>NEW YORK CITY—Continued.</b>							
	<b>IV. Leather and Rubber Goods—Con.</b>							
	<b>3. LEATHER GOODS—Continued.</b>							
	<b>c Traveling Bags and Trunks.</b>							
	Manhattan and Bronx.....	4	55	2	31	45	1,080	973
	<b>d Boots and Shoes.</b>							
	Brooklyn.....	5	43	2	33	73	4,254	4,159
	Manhattan and Bronx.....	5	77	2	44	62	2,009	1,981
	Total.....	10	120	4	77	135	6,263	6,140
	<b>e Gloves and Mittens.</b>							
	Brooklyn.....		1				7	7
	Manhattan and Bronx.....	1	12		2	9	261	250
	Total.....	1	13		2	9	268	257
	<b>f Fancy Leather Goods.</b>							
	Brooklyn.....	2	14		12	2	200	140
	Manhattan and Bronx.....	22	171	12	116	188	3,830	3,145
	Queens.....		2		1	5	70	71
	Total.....	24	187	12	129	195	4,100	3,356
	<b>4. RUBBER AND GUTTA PERCHA GOODS.</b>							
	Brooklyn.....		8		2	4	508	502
	Manhattan and Bronx.....	4	60		30	44	1,389	1,368
	Queens.....	1	5			21	1,085	875
	Total.....	5	73		32	69	2,982	2,745
	<b>5. ARTICLES OF PEARL, HORN, BONE, ETC.</b>							
	<b>a Pearl Buttons.</b>							
	Brooklyn.....	1	6		6	2	223	200
	Manhattan and Bronx.....	1	34	1	19	30	1,885	1,500
	Queens.....		3		3		52	26
	Total.....	2	43	1	28	32	2,160	1,726
	<b>b Articles of Horn, Bone, Tortoise Shell, Etc.</b>							
	Brooklyn.....	1	7		6	4	170	131
	Manhattan and Bronx.....	1	21		14	6	401	341
	Total.....	2	28		20	10	571	472
	Total—Group IV.....	149	1,348	43	1,071	1,277	29,524	26,004
	<b>V. Chemicals, Oils, Explosives.</b>							
	<b>1. CHEMICALS AND DRUGS.</b>							
	<b>a Proprietary Medicines.</b>							
	Brooklyn.....	1	9		3	20	253	211
	Manhattan and Bronx.....	5	78		14	458	1,241	1,594
	Queens.....	1	1			1	8	2
	Total.....	7	88		17	479	1,502	1,870

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III.131

New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
45	21	35	9			5	421	502		94	6
67	109	1,309	116	1	1	254	2,660	1,178		128	19
61	47	357	27			183	1,164	541	42	108	6
128	156	1,666	143	1	1	437	3,814	1,719	42	236	25
		4					7			2	
9		137	1			25	199	17		20	
9		141	1			25	206	17		22	
2	14	31	13				56	82		25	6
177	136	933	67			88	1,060	1,820		299	29
5	1	18	1					66		7	
184	151	982	81			88	1,116	1,968		331	35
4	13	34	5				443	55		16	1
173	49	515	35			405	506	284		65	8
21	61	288	35			5		849		26	3
198	123	837	75			410	949	1,188		107	12
2	8	118	15			50	67	81		19	2
30	10	762	45		5	33	474	963		47	17
	2						19	7		6	
32	20	880	60		5	83	560	1,051		72	19
4	6	42	2				67	60		7	
6	12	9	9			2	47	286		30	7
10	18	51	11			2	114	346		37	7
1,229	700	7,233	527	2	12	1,308	13,057	10,368	42	2,368	152
20	1	106	3			45	52	94		9	
460	8	773	45			797	326	11		93	15
1		1						1		1	
481	9	880	48			842	378	106		103	15



Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER
			Once.	More than once.		Office force.	Shops.	Total.
	NEW YORK CITY—Continued.							
	V. Chemicals, Oils, Explosives—Con.							
	1. CHEMICALS AND DRUGS—Continued.							
	b Alkalies (Sodas, Potash, Ammonia).							
	Brooklyn.....	1	5			11	210	201
	Manhattan and Bronx.....		14		4	32	117	128
	Queens.....		1				9	9
	Total.....	1	20		4	43	336	338
	c Photographic Materials.							
	Manhattan and Bronx.....		5		3	8	40	45
	d Other Chemicals and Drugs.							
	Brooklyn.....	3	25		13	78	945	931
	Manhattan and Bronx.....	4	66	1	30	435	1,354	1,690
	Queens.....	1	6			14	412	342
	Total.....	8	97	1	43	527	2,711	2,963
	2. PAINTS AND COLORS.							
	a Paints, Varnishes, Putty, Etc.							
	Brooklyn.....	3	37		10	79	1,797	1,822
	Manhattan and Bronx.....	2	35	1	25	85	719	765
	Queens.....		11		1	33	373	372
	Richmond.....		2			7	258	260
	Total.....	5	85	1	36	204	3,147	3,219
	b Dyes and Colors.							
	Brooklyn.....		9		6	18	535	453
	Manhattan and Bronx.....	2	15	1	10	108	137	245
	Queens.....		3		1	3	111	101
	Richmond.....		1				53	53
	Total.....	2	28	1	17	129	836	852
	c Inks and Adhesives.							
	Brooklyn.....		13		5	21	569	585
	Manhattan and Bronx.....	1	43	1	15	110	453	533
	Queens.....		1		1	1	8	9
	Total.....	1	57	1	21	132	1,030	1,127
	d Blacking, Store Polish, Etc.							
	Brooklyn.....		1		1		1	1
	Manhattan and Bronx.....		7	1	3	20	236	226
	Queens.....		1		1		4	4
	Total.....		9	1	5	20	241	231
	e Lead Pencils, Crayons, Etc.							
	Brooklyn.....		1			7	565	572
	Manhattan and Bronx.....		3		2	3	1,037	1,040
	Total.....		4		2	10	1,602	1,612
	3. VEGETABLE OILS, PERFUMERY, ETC.							
	b Linseed Oil.							
	Brooklyn.....		1				6	4
	Richmond.....		1			1	96	74
	Total.....		2			1	102	78

## REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.133

New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops)	Fe- males (shops)	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
11 32	2	68 37	1			12 36	115 49	63 8 19	3	4 17 2	
43	2	105	1			48	164	80	3	23	
7	1	4	2			1	10	27		11	1
72 409 14	4 42 2	101 413 1	5 41 1			85 637	163 576 23	611 68 305		31 101 13	1 15
495	48	515	46			722	762	984		145	16
79 85 33 7	5 27 24 10	135 53 6 8	2 10 2 3			1 98 41	742 148 238 253	965 434 60	35	46 43 28 1	1 5
204	66	202	17			140	1,381	1,459	35	118	6
18 108 3	2 2	7 16 3	7			9 83	21 49	405 5 3 53		5 21 5	2
129	4	26	7			92	70	466	95	31	2
21 110 1	18 9	66 90	8 2			65 93	107 232 8	392 98		17 49 2	1
132	27	150	10			158	347	490		68	1
20		123	1			20	167	19		1 19 3	1 1
20	1	123	2			20	166	23		23	2
7 3	25 35	340 540	37 64			4	37 1,033	528		5	3
10	60	880	101			4	1,070	528		5	3
1						4			73	1 2	
1						4			73	3	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned removed, etc.	FACTORIES INSPECTED.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER
			Once.	More than once.		Office force.	Shops.	Total.
	NEW YORK CITY—Continued.							
	V. Chemicals, Oils, Explosives—Con.							
	3. VEGETABLE OILS, PERFUMERY, ETC.— Continued.							
	c <i>Perfumery and Cosmetics.</i>							
	Brooklyn.....		2		2	1	13	14
	Manhattan and Bronx.....	4	33	2	11	207	724	858
	Total.....	4	35	2	13	208	737	872
	d <i>Other Essential Oils.</i>							
	Brooklyn.....	1	4			4	68	64
	4. SOAP, CANDLES, ETC.							
	a <i>Soap.</i>							
	Brooklyn.....	2	12		4	5	140	134
	Manhattan and Bronx.....		22	1	4	128	1,094	1,111
	Queens.....		1			1	14	15
	Total.....	2	35	1	8	134	1,248	1,260
	b <i>Candles, Stearin, Tallows, Etc.</i>							
	Brooklyn.....		3	1	1	4	40	39
	Manhattan and Bronx.....	1	26		28	100	262	318
	Queens.....		3		1	6	26	24
	Total.....	1	32	1	30	110	328	381
	c <i>War and War Figures.</i>							
	Manhattan and Bronx.....	1	5		4	9	36	40
	5. MINERAL OILS AND BY-PRODUCTS.							
	Brooklyn.....	1	5			16	498	450
	Manhattan and Bronx.....	1	5		4	14	22	36
	Queens.....		1			10	480	466
	Total.....	2	11		4	40	1,000	952
	6. FERTILIZERS AND MISCELLANEOUS PRODUCTS.							
	Brooklyn.....		1		1		6	1
	Manhattan and Bronx.....		1		2	2	12	7
	Queens.....		2		1	3	47	46
	Total.....		4		4	5	65	54
	7. EXPLOSIVES.							
	Brooklyn.....		1			1	85	73
	Queens.....	1						
	Richmond.....		3			5	369	228
	Total.....	1	4			6	454	301
	8. CELLULOID AND OTHER PLASTICS.							
	Brooklyn.....		1		2		55	49
	Manhattan and Bronx.....	2	4		5	14	141	142
		2	5		7	14	196	191

## New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
1 207	10	6 406	3 16			254	13 386	11		6 56	3 7
208	10	412	19			254	399	11		62	10
4								60		4	
5 128 1	39 2	30 264 7	24			5 94	33 377	91 512 14		11 54 2	5
134	41	301	24			99	410	617		67	5
4 100 6		8				21	15 42 11	12 155 7	8	2 34 4	
110		8				21	68	174	8	40	
9	1	3	1			25	6			7	1
16 14 9	1 15	137	1 1 4			7	327 15 457	103	4	2 3 9	1 1
39	16	137	6			7	799	103	4	14	2
2 3								1 5 43		1 3	
5							43	6		4	
1 5	1 26	21 99	10				72 109	114		6	
6	27	120	10				109	186		6	
15	4	37	4			60	49 67			3 15	
15	4	37	4			60	116			8	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		NUMBER
			Once.	More than once.		Office force.	Shops.	Total.
	NEW YORK CITY—Continued.							
	V. Chemicals, Oils, Explosives—Con.							
	9. BUILDING PAPER (CHEMICALLY TREATED).							
	Brooklyn.....		2			4	150	109
	Manhattan and Bronx.....							
	Queens.....		2			3	70	51
	Total.....		4			7	220	160
	Total—Group V.....	38	534	9	218	2,090	15,899	16,547
	VI. Paper and Pulp.							
	1. RAGS AND PAPER STOCK.							
	Brooklyn.....	4	16	1	12	8	86	78
	Manhattan and Bronx.....	4	106	1	70	49	1,468	1,350
	Queens.....		1			1	18	19
	Total.....	8	123	2	82	58	1,572	1,447
	2. PULP AND PAPER.							
	c Paper, Cardboard, Strawboard, Etc.							
	Brooklyn.....		6		2	20	422	435
	Manhattan and Bronx.....	1	13		5	13	280	280
	Richmond.....		1			20	325	345
	Total.....	1	20		7	53	1,027	1,060
	Total—Group VI.....	9	143	2	89	111	2,599	2,507
	VII. Printing and Paper Goods.							
	1. TYPE AND PRINTERS' MATERIALS.							
	Manhattan and Bronx.....	3	20		11	53	428	385
	Richmond.....		1				6	2
	Total.....	3	21		11	53	434	387
	2. PAPER GOODS.							
	a Pasteboard and Velvet Goods.							
	Brooklyn.....	2	30		22	17	1,470	1,442
	Manhattan and Bronx.....	8	157	16	87	212	6,707	6,287
	Queens.....	1	1		1		20	15
	Richmond.....		1			1	58	59
	Total.....	11	189	16	110	230	8,255	7,903
	b Paper Bags and Sacks.							
	Manhattan and Bronx.....		8	1	5	29	408	417
	c Envelopes, Cards, Perforated Paper, Etc.							
	Brooklyn.....		9		5	5	272	236
	Manhattan and Bronx.....	3	42	1	21	151	1,183	1,292
	Queens.....		1			2	40	39
	Total.....	3	52	1	26	158	1,495	1,567

## New York City.

OF EMPLOYERS AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
4								105		2	
3								28	20	4	
7								133	20	6	
2,059	317	3,903	298			2,497	6,184	5,569	238	748	64
5	1										
44	8	20	5	3				69	4	24	2
1	1	593	8		2		264	1,031	11	210	6
		13						18		2	
50	10	626	13	3	2		264	1,118	15	236	8
20	3	230	5				317	98		8	
13		152	3			13	194	60		11	
20	40	57	19				19	306		4	2
53	43	439	27			13	530	464		23	2
103	53	1,065	40	3	2	13	794	1,582	15	259	10
54	21	91	2			32	291	8		21	1
								2		2	
54	21	91	2			32	291	10		23	1
17	57	842	147	3			1,282	143		69	13
210	189	3,762	213		5	318	5,029	730		411	78
		14					15			2	
1	3	40	7				58				
228	249	4,658	367	3	5	318	6,384	873		482	91
29	11	128	5			16	11	361		13	1
7	5	133	9			14	155	60		17	
151	18	763	11			227	665	249		56	3
2	7	26	2				37			4	
160	30	922	22			241	857	309		77	3

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		Total.
			Once.	More than once.		Office force.	Shops.	
NEW YORK CITY—Continued.								
VII. Printing and Paper Goods—Con.								
3. PRINTING AND STATIONERY.								
a <i>Printing and Publishing.</i>								
Brooklyn		7	131	2	93	167	4,805	4,377
Manhattan and Bronx		64	1,231	28	646	6,132	38,456	40,938
Queens			15		6	32	109	132
Richmond			12		4	13	100	107
Total		71	1,389	30	749	6,344	43,470	45,554
b <i>Blank Books and Stationery</i>								
Brooklyn			4		2	80	857	678
Manhattan and Bronx		2	63		43	137	1,722	1,630
Queens			1		1	1	16	14
Total		2	68		46	218	2,595	2,322
c <i>Paper Patterns, Fashion Plates, Sample Cards, Etc.</i>								
Brooklyn			2		1		57	57
Manhattan and Bronx		8	78	3	33	359	2,465	2,604
Total		8	80	3	34	359	2,522	2,661
d <i>Playing Cards, Games, Novelties.</i>								
Manhattan and Bronx		2	21		9	139	974	1,047
4. WALL PAPER.								
Brooklyn			3			29	886	815
Manhattan and Bronx			3		1	48	430	433
Total			6		1	77	1,316	1,248
5. PHOTOGRAPHY.								
Brooklyn			2		2		4	4
Manhattan and Bronx		3	47		22	75	363	388
Total		3	49		24	75	367	392
Total—Group VII		103	1,883	51	1,015	7,682	61,836	63,398
VIII. Textiles.								
1. SILK.								
Brooklyn		1	12	1	6	11	2,671	2,125
Manhattan and Bronx		5	57	2	18	102	4,121	3,464
Queens			6	1		46	1,420	1,347
Richmond			1			1	50	38
Total		6	76	4	24	160	8,262	6,974
2. WOOL.								
a <i>Carpets and Rugs.</i>								
Brooklyn		1	2		2		4	4
Manhattan and Bronx			13		5	29	1,773	946
Queens			1			2	190	175
Total		1	16		7	31	1,967	1,125
b <i>Felt Goods.</i>								
Brooklyn		1	1			2	150	146
Manhattan and Bronx			3		2	2	24	22
Total		1	4		2	4	174	168

## New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
167 6,095 32 13	162 1,081 7 12	1,251 7,064 10 35	89 414 3 5	12 ..... ..... 1	1 ..... ..... .....	560 5,303 10 16	2,924 28,233 57 60	726 1,307 33 18	..... ..... ..... .....	170 1,664 36 21	18 148 2 1
6,307	1,262	8,360	511	13	1	5,889	31,274	2,084	.....	1,891	169
80 135 1	1 37 3	273 552 .....	1 20 .....	..... ..... .....	..... ..... .....	..... 31 .....	596 1,374 .....	2 90 13	..... ..... .....	7 81 2	1 3 .....
216	41	825	21	.....	.....	31	1,970	105	.....	90	4
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
359	46	22 1,552	3 58	.....	.....	.....	2 1,672	55 189	.....	5 137	1 36
359	46	1,574	61	.....	.....	384	1,674	244	.....	142	37
139	16	655	19	.....	.....	15	247	646	.....	39	6
29 48	107 45	168 44	24 .....	.....	.....	.....	.....	786 361	..... .....	8 7	2 .....
77	152	212	24	.....	.....	.....	24	1,147	.....	15	2
.....	1	1	1	.....	.....	.....	3	1	.....	1	.....
75	19	57	5	.....	.....	121	183	9	.....	61	13
75	20	58	6	.....	.....	121	186	10	.....	62	13
7,644	1,848	17,483	1,038	16	6	7,047	42,918	5,789	.....	2,834	327
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
11 102 45 1	9 38 102 2	1,479 2,044 653 11	91 69 100 2	..... ..... ..... .....	..... ..... ..... .....	202 220 ..... .....	1,730 1,776 967 37	182 1,366 335 .....	..... ..... ..... .....	40 96 35 1	8 13 4 .....
159	151	4,187	262	.....	.....	422	4,510	1,883	.....	172	25
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
19 2	13 3	595 83	6 7	..... .....	..... .....	..... 29	3 838 173	1 60 .....	..... ..... .....	1 20 4	..... 6 .....
21	16	678	13	.....	.....	29	1,014	61	.....	25	6
2 2 4	9 ..... 9	2 2 4	1 ..... 1	..... ..... .....	..... ..... .....	..... 2 2	144 ..... 144	..... 18 18	..... ..... .....	1 2 3	..... ..... .....



Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		Total.	
			Once.	More than once.		Office force.	Shops.		
<b>NEW YORK CITY—Continued.</b>									
<b>VIII. Textiles—Continued.</b>									
<b>2. WOOL—Continued.</b>									
<i>a Woollens and Worsted.</i>									
Brooklyn			3		1	2	242	244	
Manhattan and Bronx			7			9	305	265	
Queens			1		1		10	7	
Total			11		2	11	557	516	
<b>3. COTTONS.</b>									
Brooklyn			2		3		30	28	
Manhattan and Bronx			3	21	5	35	641	600	
Total			3	23	8	35	671	628	
<b>4. HOSIERY AND KNIT GOODS (COTTON OR WOOL).</b>									
Brooklyn		13	38	5	33	28	2,012	1,926	
Manhattan and Bronx		7	32		20	48	1,000	949	
Queens			3		2	3	160	154	
Total		20	73	5	55	79	3,172	3,029	
<b>5. OTHER TEXTILES OF SILK, COTTON OR WOOL.</b>									
<i>a Dyeing, Finishing, Etc. (Silk, Wool or Cotton Goods).</i>									
Brooklyn		1	6		3	13	350	277	
Manhattan and Bronx			49		15	46	906	868	
Queens		1	4		3	2	77	72	
Richmond			1				18	18	
Total		2	60		21	61	1,351	1,235	
<i>b Upholstery Goods.</i>									
Brooklyn			3		1	1	80	41	
Manhattan and Bronx		3	32	2	12	44	853	828	
Richmond			1				50	28	
Total		3	36	2	13	45	983	897	
<i>c Braids, Embroideries and Dress Trimmings.</i>									
Brooklyn			8		2	11	1,190	1,017	
Manhattan and Bronx		25	266	7	187	235	6,986	5,421	
Queens			5		4	6	140	143	
Total		25	279	7	193	252	8,316	6,581	
<b>6. OF FLAX, HEMP, JUTE AND OTHER FIBERS.</b>									
Brooklyn			10	1	1	52	4,933	4,492	
Manhattan and Bronx		1	8	2	3	40	1,454	1,431	
Queens			1		1		20	15	
Total		1	19	3	5	92	6,407	5,938	
<b>7. OILCLOTH, CRINOLINE, WINDOW SHADDS, ETC.</b>									
Brooklyn			2		1	6	94	89	
Manhattan and Bronx		1	24		9	50	273	272	
Queens			1			2	175	155	
Richmond			1			6	513	519	
Total		1	28		10	64	1,070	1,035	
Total—Group VIII.			63	625	21	340	834	32,930	28,126

## New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
2	1	184	8			8	213	21		2	
9	6	201	11			20	236			2	
	1							7		5	
11	8	385	19			28	449	28		9	
		24					23	5		1	
35	16	386	13			22	473	70		43	2
35	16	41	13			22	496	75		44	2
28	31	1,378	74			1	1,544	353		81	16
48	8	598	11			78	754	69		66	7
3	6	127	20				11	140		13	13
79	45	2,103	105			79	2,309	562		160	36
13	3	110	3			2	164	98		10	
47	6	80	3			175	342	304		52	2
2	1	8	1				50	20		8	1
		3						18		2	
62	10	201	7			177	556	440		72	3
1	3	33	1				40			8	
43	16	566	23	3		88	619	78		55	10
		10					28			1	
44	19	609	24	3		88	687	78		64	10
11	31	811	89				115	891		23	4
235	86	3,546	154		2	167	3,512	1,507		519	47
6	12	83	11					137		17	3
252	129	4,440	254		2	167	3,627	2,535		559	54
51	159	2,371	102				1,556	2,885		12	1
40	57	864	21			6	174	1,211		29	9
	7		5					15		8	2
91	223	3,235	128			6	1,730	4,111		49	12
6	2	4					79	4			
48	24	72	4			3	175	46		33	2
2	1	2						153		3	
6	8	41	1					513		1	
62	35	119	5			3	254	716		37	2
820	661	16,371	831	3	2	1,023	15,776	10,507		1,194	150

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER  Total.
			Once.	More than once.		Office force.	Shops.	
	NEW YORK CITY—Continued.							
	IX. Clothing, Millinery, Laundry, Etc.							
	1. TAILORING AND DRESSMAKING.							
	a Men's and Boys' Clothing.							
	Brooklyn.....	276	808	155	796	38	14,418	12,011
	Manhattan and Bronx.....	446	2,733	193	2,253	1,390	47,553	41,379
	Queens.....	2	9		9		109	101
	Total.....	724	3,550	348	3,058	1,428	62,080	53,491
	b LADIES' CLOAKS, SUITS, WRAP- PERS, ETC.							
	Brooklyn.....	65	173	12	132	16	3,367	2,678
	Manhattan and Bronx.....	407	2,069	122	1,389	1,739	72,568	57,299
	Queens.....		1		1		20	9
	Total.....	472	2,243	134	1,522	1,755	75,955	59,986
	2. WHITE GOODS, SHIRT WAISTS.							
	a Shirts, Shirt Waists, Collars and Cuffs.							
	Brooklyn.....	2	19	3	15	3	898	698
	Manhattan and Bronx.....	14	133	3	61	212	4,033	3,867
	Total.....	16	152	6	76	215	4,931	4,565
	b Women's and Children's White Goods.							
	Brooklyn.....	9	37	6	24	20	1,759	1,565
	Manhattan and Bronx.....	27	226	10	124	223	10,997	10,168
	Richmond.....		1	1		4	364	316
	Total.....	36	264	17	148	247	13,120	12,049
	3. MEN'S HATS AND CAPS.							
	Brooklyn.....	7	11	2	7	34	1,789	1,793
	Manhattan and Bronx.....	24	199	16	173	54	3,577	3,295
	Total.....	31	210	18	180	88	5,366	5,088
	4. MILLINERY, ART EMBROIDERIES, LACE, ETC.							
	a Ladies' Hats, Artificial Flow- ers, Etc.							
	Brooklyn.....	5	38	1	17	5	500	473
	Manhattan and Bronx.....	54	556	18	294	430	16,136	13,020
	Total.....	59	594	19	311	435	16,636	13,493
	b Art Embroideries and Lace Goods.							
	Brooklyn.....	1	4	1	3	1	186	149
	Manhattan and Bronx.....	7	111	5	48	144	4,280	3,804
	Total.....	8	115	6	51	145	4,466	3,953
	5. MISCELLANEOUS.							
	a Neckwear (Men's).							
	Brooklyn.....		1		2		4	4
	Manhattan and Bronx.....	16	125	3	56	146	3,332	2,933
	Total.....	16	126	3	58	146	3,336	2,937

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.143

New York City.

## OF EMPLOYEES AT TIME OF INSPECTION.

## WEEKLY HOURS OF LABOR.

In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN—			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—				ORDERS.	Number children without certifi- cate ordered dis- charged.
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
38	115	4,782	178	7	4	50	3,651	8,247	25	1,442	88
1,377	445	10,156	311	11	38	3,117	17,900	18,711	274	5,166	219
.....	1	65	5	.....	.....	.....	2	99	.....	29	2
1,415	561	15,003	494	18	42	3,167	21,553	27,057	299	6,637	309
16	19	1,699	48	1	.....	16	1,195	1,448	3	326	25
1,736	165	27,308	409	.....	23	2,304	40,832	11,633	794	4,088	163
.....	.....	7	.....	.....	.....	.....	9	.....	.....	1	.....
1,752	184	29,014	457	1	23	2,320	42,027	13,060	797	4,415	188
3	4	504	38	.....	.....	20	307	368	.....	58	11
211	47	1,834	37	5	.....	448	2,197	1,011	.....	258	23
214	51	2,338	75	5	.....	468	2,504	1,379	.....	316	34
20	4	1,453	83	.....	.....	.....	1,359	186	.....	72	14
227	53	8,856	249	1	3	727	8,858	354	2	469	48
4	1	297	16	.....	.....	267	45	.....	.....	8	3
251	58	10,606	348	1	3	994	10,262	540	2	549	65
34	23	748	16	.....	.....	84	1,531	144	.....	31	8
54	26	910	18	1	.....	315	2,155	767	4	521	13
88	49	1,658	34	1	.....	399	3,686	911	4	552	21
5	4	400	39	2	.....	3	375	90	.....	63	10
421	130	10,528	350	4	2	2,256	9,895	448	.....	1,014	180
426	131	10,928	389	6	2	2,259	10,270	538	.....	1,077	199
1	.....	132	13	.....	.....	.....	148	.....	.....	8	3
144	22	3,154	85	.....	.....	264	3,276	120	.....	199	25
145	22	3,286	98	.....	.....	264	3,424	120	.....	207	28
.....	.....	4	.....	.....	.....	.....	.....	4	.....	.....	.....
142	39	2,049	47	.....	.....	449	2,148	194	.....	210	17
142	39	2,053	47	.....	.....	449	2,148	198	.....	210	17

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		NUMBER
			Once.	More than once.		Office force.	Shops.	Total.
	NEW YORK CITY—Continued.							
	IX. Clothing, Millinery, Laundry, Etc.—Continued.							
	5 MISCELLANEOUS—Continued.							
	b Corsets, Leggings, Etc.							
	Brooklyn.....	1	3	2	2	213		222
	Manhattan and Bronx.....	3	32	1	14	70	1,600	1,653
	Total.....	4	35	1	16	72	1,893	1,875
	c Suspenders and Hose Supporters.							
	Brooklyn.....	1	6	2		70		59
	Manhattan and Bronx.....	7	73	3	30	99	1,668	1,495
	Total.....	8	79	3	32	99	1,738	1,554
	d Umbrellas and Parasols.							
	Brooklyn.....	1	1		1	32		33
	Manhattan and Bronx.....	9	54	1	28	87	1,180	1,032
	Total.....	10	55	1	28	88	1,212	1,065
	e Quills, Comfortables, Etc.							
	Brooklyn.....		4	5		57		33
	Manhattan and Bronx.....	2	27	21	13	272		245
	Total.....	2	31	26	13	329		278
	f Bags and Bagging.							
	Brooklyn.....		3		12	250		186
	Manhattan and Bronx.....		5	2	15	387		388
	Queens.....		1		3	75		78
	Total.....		9	2	30	712		652
	g Sails, Flags, Tents and Sporting Goods.							
	Brooklyn.....	2	9	2	8	306		286
	Manhattan and Bronx.....	4	54	1	34	120	837	707
	Total.....	6	63	3	42	128	1,133	993
	h Department Store Workrooms.							
	Brooklyn.....		4		4	243		239
	Manhattan and Bronx.....		8	1	14	264		267
	Total.....		12	1	18	507		506
	6. LAUNDRY, CLEANING, DYEING.							
	a Laundries.							
	Brooklyn.....	13	284	1	259	57	1,836	1,788
	Manhattan and Bronx.....	41	807	5	655	345	5,948	5,845
	Queens.....		59		56	4	168	169
	Richmond.....		1			2	150	82
	Total.....	54	1,151	6	972	408	8,102	7,884
	b Cleaning and Dyeing.							
	Brooklyn.....	4	27	23	12	244		231
	Manhattan and Bronx.....	4	60	3	43	875		643
	Queens.....	1	1	2		8		4
	Richmond.....		2		5	334		197
	Total.....	9	90	3	68	51	1,461	1,075
	Total—Group IX.....	1,455	8,779	570	6,592	5,366	202,977	171,444

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904. , III.145

New York City

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Females (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
2		205					214	6		2	
70	16	1,295	15			4	1,523	56		50	3
72	16	1,500	15			4	1,737	62		52	3
99	3	40	6				11	48		9	2
99	50	709	28			127	954	315		124	7
99	53	749	34			127	965	363		133	9
1		20	5	1			32			6	
87	27	564	17			16	613	316		68	9
88	27	584	22	1		16	645	316		74	9
13	2	12	2			1		32		11	2
13		137	2			44	170	18		36	1
13	2	149	4			45	170	50		47	3
12		107	1					174		4	
15	9	221	16			25	340	8		21	5
3		40	4					75		7	1
30	9	368	21			25	340	257		32	6
8		138	5			1	248	29		15	1
120	44	211	25			34	284	269		68	5
128	44	349	30			35	582	298		88	6
4		170	5				285			8	4
13		184					84	170		6	
17		324	5				319	170		14	4
57	12	1,205	32			181	424	1,042	84	347	8
349	35	3,377	74	2	1	940	1,580	2,356	620	1,122	45
4	1	76	2			64	26	35	40	109	2
2		60					81			1	
412	48	4,718	108	2	1	1,185	2,110	3,433	744	1,579	55
12	1	78					75	144		18	
34	10	270				36	347	223	3	81	
5		106						4		2	
51	11	454				36	422	563	3	105	
5,343	1,305	4,081	2,181	35	71	11,793	103,114	49,345	1,849	16,082	956

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER  Total.
			Once.	More than once.		Office force.	Shops.	
	NEW YORK CITY—Continued.							
	X. Food, Tobacco and Liquors.							
	1. CEREALS, FRUITS, VEGETABLES, ETC.							
	<i>a Grain Handling and Milling.</i>							
	Brooklyn.....		6		5	10	135	131
	Manhattan and Bronx.....		28	1	29	74	732	666
	Queens.....		1		1	3	13	16
	Richmond.....		2		1	2	11	12
	Total.....		37	1	36	89	891	825
	<i>b Preserved Fruits and Vegetables.</i>							
	Brooklyn.....		15		9	10	369	348
	Manhattan and Bronx.....		3	3	12	179	1,946	1,656
	Richmond.....		1					
	Total.....		4	3	21	189	2,315	2,004
	<i>c Sugar, Starch, Yeast.</i>							
	Brooklyn.....		5		1	95	2,325	2,420
	Manhattan and Bronx.....		1	1		72	91	155
	Queens.....		1			35	560	545
	Total.....		1	7	1	202	2,976	3,120
	<i>d Coffee Roasting and Grinding, Spices, Etc.</i>							
	Brooklyn.....		2	20	2	18	1,098	1,017
	Manhattan and Bronx.....		3	93	74	316	1,223	1,413
	Queens.....			1		2	44	46
	Total.....		5	114	2	336	2,365	2,476
	<i>e Salt.</i>							
	Brooklyn.....			2	1	6	61	47
	2. MEATS, MILK, ETC.							
	<i>a Slaughtering and Packing.</i>							
	Brooklyn.....		1	10	6	3	173	159
	Manhattan and Bronx.....			23	7	179	1,990	1,617
	Total.....		1	33	13	182	2,163	1,776
	<i>b Butter, Cheese, Condensed Milk.</i>							
	Brooklyn.....		1				4	4
	Manhattan and Bronx.....		7		4	21	57	70
	Total.....			8	4	21	61	74
	3. BAKERS' AND CONFECTIONERS' GOODS.							
	<i>a Macaroni and Other Food Pastes.</i>							
	Brooklyn.....		14	1	10	14	396	335
	Manhattan and Bronx.....		15		8	15	177	188
	Total.....		29	1	18	29	573	523
	<i>b Crackers and Biscuits.</i>							
	Brooklyn.....		1	8	4		25	24
	Manhattan and Bronx.....			20	2	28	1,113	1,091
	Total.....		1	28	2	28	1,138	1,115

## New York City.

## OF EMPLOYEES AT TIME OF INSPECTION.

## WEEKLY HOURS OF LABOR.

In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—				Orders.	Number children without certifi- cate ordered dis- charged.
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
10							8	33	80	7	
74	6	131				105	90	312	85	35	
3								13		1	
2								10		2	
89	6	131				105	98	368	165	45	
10	11	167	9			101	166	71		27	
177	7	874	24			105	1,029	345		100	16
187	18	1,041	33			206	1,195	416		127	16
95		50				2	3	2,320		12	
68	2	48	1			87				5	1
35	10							10	500	3	
198	12	98	1			89	3	2,330	500	20	1
18	3	462	35				82	617	300	25	
315	20	396	9			204	459	435		172	9
2		26						44		2	
335	23	884	44			204	541	1,096	300	199	9
6		23					41			3	
3						3		153		7	
179		165	5			477	451	510		58	1
182		165	5			480	451	663		65	1
21		3				34		4		1	
21		3				34		15		14	
14	1	91	2				74	247		35	1
13	4	32	2				34	141		37	
27	5	123	4				108	388		72	1
28	4		3				2	22		22	3
28	36	547	24				651	412		92	6
28	40	547	27				653	434		114	9



Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER
			Once.	More than once.		Office force.	Shops.	Total.
	NEW YORK CITY—Continued.							
	X. Food, Tobacco and Liquors—Con.							
	3. BAKERS' AND CONFECTIONERS' GOODS—Continued.							
	a Bread, Cake and Pastry.							
	Brooklyn.....	48	707	8	540	57	2,336	2,336
	Manhattan and Bronx.....	82	1,157	33	733	224	7,329	7,245
	Queens.....	2	105	1	90	2	317	313
	Richmond.....	5	41	.....	25	.....	98	96
	Total.....	137	2,010	42	1,388	283	10,080	9,900
	d Confectionery.							
	Brooklyn.....	2	48	1	27	42	1,833	1,518
	Manhattan and Bronx.....	40	125	3	71	251	5,410	5,064
	Queens.....	.....	1	.....	.....	2	97	99
	Total.....	42	174	4	98	295	7,340	6,681
	4. Cigars, Cigarettes and Tobacco.							
	Brooklyn.....	35	167	23	145	12	901	811
	Manhattan and Bronx.....	104	640	70	450	476	28,454	24,658
	Queens.....	1	3	.....	1	1	54	43
	Richmond.....	.....	4	.....	2	.....	14	14
	Total.....	140	814	93	598	490	29,423	25,526
	5. LIQUORS.							
	a Artificial Ice.							
	Brooklyn.....	1	9	.....	1	11	125	104
	Manhattan and Bronx.....	2	7	.....	2	7	195	140
	Queens.....	4	5	.....	.....	4	55	55
	Total.....	7	21	.....	3	22	375	299
	b Cider, Etc.							
	Brooklyn.....	1	4	.....	2	2	38	38
	c Carbonated Beverages.							
	Brooklyn.....	3	35	2	37	.....	210	182
	Manhattan and Bronx.....	3	50	.....	25	185	784	762
	Queens.....	.....	3	.....	2	.....	11	11
	Richmond.....	.....	1	.....	1	.....	9	9
	Total.....	6	89	2	65	185	1,014	964
	d Malting.							
	Manhattan and Bronx.....	.....	3	.....	3	6	106	112
	Queens.....	.....	1	.....	.....	2	35	37
	Total.....	.....	4	.....	3	8	141	149
	e Malt Liquors.							
	Brooklyn.....	4	45	.....	4	147	1,459	1,533
	Manhattan and Bronx.....	3	63	7	22	343	2,851	3,037
	Queens.....	.....	12	.....	4	27	285	312
	Richmond.....	.....	5	.....	1	21	240	261
	Total.....	7	125	7	31	538	4,835	5,143

New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
57	45	6	17	1		26	159	2,078	21	1,299	11
220	40	1,187	31			43	447	6,457	78	2,745	13
2	6		4	2		1	1	294	15	265	2
	5		1					96		73	
279	96	1,193	53	3		70	607	8,920	114	4,382	26
42	32	716	90			277	473	726		92	6
244	58	2,666	114			25	2,323	2,465	7	304	14
2	2	65	4			65	32			6	2
288	92	3,447	208			367	2,828	3,191	7	402	22
13	12	105	8			539	227	32		116	5
466	104	13,198	70			9,120	12,701	2,371		773	38
1	2	21	2			16		26		8	1
	1	3	1			10	4				
480	119	13,327	81			9,685	12,932	2,429		897	44
11								41	52	9	
7								39	94	15	
4									51	8	
22								80	197	32	
2		1					16	20		2	
	2	1	2			10	16	156		25	2
125	8	2				7	203	427		48	
								11		3	
							9				
125	10	3	2			17	228	594		76	2
6								2	104	2	
2								35			
8								37	104	2	
147	5	6	1				96	1,272	18	28	1
341	6	6	6	1		45	46	2,601	4	80	1
27	5	4	1			4	18	263		15	1
21	1		1				111	129		7	1
536	17	15	9	1		49	271	4,265	22	130	4

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER  Total.
			Once.	More than once.		Office force.	Shops.	
NEW YORK CITY—Continued.								
X. Food, Tobacco and Liquors—Con.								
5. LIQUORS—Continued.								
f Distilled Liquors.								
Brooklyn.....	1	4	.....	1	11	79	80	
Manhattan and Bronx.....		46	.....	31	154	352	470	
Total.....	1	50	.....	32	165	431	550	
Total—Group X.....	353	3,608	158	2,413	3,070	66,220	61,800	
XI. Distribution of Water, Gas and Electricity.								
1. WATER.								
Brooklyn.....		5	.....		2	211	213	
Manhattan and Bronx.....		1	.....			4	4	
Queens.....		9	.....			50	49	
Richmond.....		4	.....	1		15	15	
Total.....		19	.....	1	2	280	281	
2. GAS.								
Brooklyn.....		9	.....	1	16	391	407	
Manhattan and Bronx.....	1	12	.....		16	1,292	1,209	
Queens.....		3	.....		12	212	194	
Richmond.....		1	.....		11	16	27	
Total.....	1	25	.....	1	55	1,911	1,837	
4. ELECTRIC LIGHT AND POWER.								
Brooklyn.....		14	.....	1	27	581	605	
Manhattan and Bronx.....	1	34	.....	2	139	1,670	1,595	
Queens.....		7	.....		4	103	106	
Richmond.....		2	.....			51	51	
Total.....	1	57	.....	1	2	170	2,357	
5. HEAT AND POWER (STEAM).								
Manhattan and Bronx.....		16	.....	1	2	98	100	
Queens.....		1	.....			2	2	
Total.....		17	.....	1	2	100	102	
6. GARBAGE DISPOSAL, STREET CLEANING, ETC.								
Queens.....		4	.....			18	16	
Total—Group XI.....	2	122	2	4	229	4,714	4,593	
XII. Building Industry.								
1. GENERAL CONTRACTING AND BUILDING								
Manhattan and Bronx.....		1	.....		8	20	28	
Queens.....		2	.....	1	1	20	8	
Total.....		3	.....	1	9	40	36	
3. CARPENTRY.								
Brooklyn.....	1	12	.....	6	4	79	66	
Manhattan and Bronx.....	23	77	.....	34	25	774	431	
Total.....	24	89	.....	40	29	853	497	

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.151

New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
11							6	63		3	
154	1	29				150	145	21		77	
165	1	29				150	151	84		80	
2,978	439	21,030	467	4		11,456	20,123	25,334	1,409	6,663	135
2						144	67			9	
							31	1	4	13	
						1	6		8	2	
2						145	104	1	29	24	
16								50	341	6	
16								582	611	18	
12								170	12	4	
11									16	2	
55								802	980	30	
27							275	299	4	12	
139						249	704	191	312	29	
4							49	26	27	10	
							46		5	5	
170						249	1,074	516	348	56	
2							47	42	9	14	
						2				1	
2						2	47	42	9	15	
						3	13			4	
229						399	1,238	1,361	1,866	129	
8							20				
1								7		4	
9							20	7		4	
4	1					29	23	10		12	
25	6					389	8	9		83	
29	7					418	31	19		95	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		NUMBER  Total.
			Once.	More than once.		Office force.	Shops.	
	NEW YORK CITY.—Concluded.							
	XII. Building Industry—Continued.							
	4. STAIR BUILDING AND INTERIOR WOOD WORK.							
	Brooklyn.....	1	10	.....	9	1	68	51
	Manhattan and Bronx.....	.....	13	1	7	5	128	100
	Richmond.....	.....	1	.....	1	.....	10	7
	Total.....	1	24	1	17	6	206	158
	5. MANTELS, TILING, GRATES, ETC. Manhattan and Bronx.....	.....	1	.....	.....	2	20	12
	6. PAINTING AND DECORATING.							
	a <i>Painting, Paper Hanging, Etc.</i>							
	Brooklyn.....	1	5	.....	4	.....	43	37
	Manhattan and Bronx.....	10	59	.....	46	28	481	370
	Queens.....	.....	1	.....	1	.....	2	1
	Total.....	11	65	.....	51	28	526	408
	b <i>Ornamental Plastering and Stucco Work.</i>							
	Brooklyn.....	.....	1	.....	1	.....	3	3
	Manhattan and Bronx.....	1	15	.....	5	12	358	176
	Queens.....	.....	1	.....	.....	.....	25	2
	Total.....	1	17	.....	6	12	386	181
	7. ROOFING AND SHEET-IRON WORKING.							
	Brooklyn.....	3	29	1	19	8	492	248
	Manhattan and Bronx.....	3	49	.....	24	30	762	548
	Total.....	6	78	1	43	38	1,254	796
	8. PLUMBING, GAS AND STEAM FITTING.							
	Brooklyn.....	.....	6	.....	3	2	58	33
	Manhattan and Bronx.....	2	23	.....	5	155	582	582
	Total.....	2	29	.....	8	157	640	615
	10. MISCELLANEOUS.							
	Brooklyn.....	.....	1	.....	.....	1	40	26
	Manhattan and Bronx.....	.....	2	.....	.....	4	14	10
	Total.....	.....	3	.....	.....	5	54	36
	Total—Group XII.....	45	309	2	166	286	3,979	2,739
	XIII. Warehousing, Cold Storage, Etc.							
	Manhattan and Bronx.....	.....	7	.....	4	19	64	72
	Queens.....	.....	1	.....	1	.....	3	3
	Total.....	.....	8	.....	5	19	67	75

## New York City.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Females (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
1						34	16			12	
5						83	12			8	
						7				3	
6						124	28			23	
2		4					10				
23	6	15	4			11	22	4		6	
						125	144	78		47	2
								1		1	
23	6	15	4			136	166	83		54	2
12	3					3					
						137	27			18	
						2				1	
12	3					142	27			19	
8	1					207	16	17		20	
30	2		1			421	40	57		43	1
38	3		1			628	56	74		63	1
2						4	4	23		11	
147	2		1			95	295	45		28	
149	2		1			99	299	68		39	
1						25					
4						4	2			1	
5						29	2			1	
273	21	19	6			1,576	639	251		298	3
19						9		29	15	9	
							3			3	
19						9	8	29	15	12	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		Total.
			Once.	More than once.		Office force.	Shops.	
NIAGARA FALLS.								
I-2-b.....	Abrasives.....		1			1	18	19
II-1.....	Plated ware.....		1			10	506	516
3-9.....	Machinery and apparatus.....	1	5			27	208	235
III.....	Wood manufactures.....	1	1			2	23	25
IV.....	Leather and rubber goods.....		1			2	5	7
V-1-b.....	Alkalies.....		2			21	219	240
1-d.....	Chemicals.....		3			14	302	316
VI-2-c.....	Paper.....	1						
VII-3-a.....	Printing.....	3	4			15	64	79
IX-1-a.....	Men's clothing.....		6		4	3	24	27
6-a.....	Laundries.....	1	2	1		3	68	71
X-3-c.....	Bakeries.....		5		2	3	28	31
4.....	Cigars.....	1	2		2		6	6
5.....	Liquors.....		1			3	20	23
XI.....	Light and power.....		1				5	5
Total.....			8	35	9	104	1,496	1,600
NORTH TONAWANDA.								
I.....	Stone products.....		1			1	6	7
II-3-b-r-v.....	Iron, hardware and heating apparatus.....		4			39	1,488	1,217
3-t-u.....	Pumps and machinery.....		4			13	233	224
5.....	Vehicles.....		2		2	1	11	9
8.....	Musical instruments.....		1			4	140	144
III-1.....	Lumber and house trim.....	1	10			23	404	427
2-5.....	Boxes and furniture.....		4			11	162	173
V.....	Chemicals and oils.....		1			4	6	10
VII-3.....	Printing and blank books.....		3			10	40	50
IX.....	Clothing and cloth goods.....		3			2	54	56
X-1-a.....	Flour and feed.....		2			4	15	19
3.....	Bakeries and confectionery.....		2			1	4	5
Total.....			1	37	2	113	2,563	2,341
OGDENSBURG.								
I.....	Stone and clay products.....		2		2		6	3
II-1-2.....	Silver and brass working.....	1	2		1	1	30	13
3-m-v.....	Foundries and machine shops.....	2	3		3		45	22
4.....	Railway repair shops.....	1						
6-7.....	Boats and agricultural implements.....		3		1		50	44
III-1-2.....	Lumber, house trim and cooperage.....		7		4	17	285	290
4-6.....	Brooms, furniture, and articles of wood.....	1	3		2		15	11
IV-1-3.....	Leather and fur goods.....	1	3		3	3	180	125
V.....	Chemicals and oils.....		1				5	5
VII-3-a-b.....	Printing and blank books.....	1	5		6	7	50	56
III.....	Textiles.....		1			2	199	201
IX-1-a.....	Men's clothing.....	2	4		4		26	22
1-b.....	Ladies' clothing.....	1	2		2	1	130	48
4-a.....	Millinery.....	2	5		3		38	10
6.....	Laundry and dyeing.....		3		3		20	20
X-1-a.....	Grain handling and milling.....	3	6		6	6	60	64
3.....	Bakeries and confectionery.....	3	6		5	4	42	46
4.....	Cigars.....	3	4		3		28	28
5.....	Beverages.....	1	5		2	2	41	41
XI.....	Water, gas and electricity.....		3				17	17
Total.....			22	68	50	43	1,267	1,066

## Niagara Falls-North Tonawanda-Ogdensburg.

## OF EMPLOYEES AT TIME OF INSPECTION.

## WEEKLY HOURS OF LABOR.

In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—				Orders.	Number children without certifi- cate ordered dis- charged.
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
1									18	1	
10	20	122	11					506		2	
27	8	19	1				191	17		4	
2								23		1	
2								5		1	
21	1		1				203		16	6	
14	10	4	1					302		4	
15	6	4	1				64			5	1
3		6					1	23		5	
3		53						68		3	
3	2	1						28		11	
	1										
3						6				1	
							20			1	
							5				
104	48	209	15			6	484	972	34	45	1
1								6			
39	82	77	1					878	300	2	
13	6	5	5					211		4	3
1								8		1	
4	6	36						140			
23	74		12					404		6	
11	49	8	9				17	145		3	
4						6				1	
10	2	22					40			3	
2	1	45	10			45	5	4		1	
4								2	13	1	
1								4		2	
113	220	193	37			51	62	1,802	313	23	3
							1	2		2	
1								12		9	
								22		3	
17	19		8					44		10	
								273		30	5
3	6	61	4				2	9		6	
							71	51		17	3
								5			
7	5	17	2	1		3	1	46		2	1
2	12	158	22	2				199		10	10
		17					11	11		6	
1		42	4	1			47			8	3
		10					2	8		3	
		12					14	6		7	
6								44	14	18	
4	3	18	1	1			5	37		17	
	6		3							8	2
2	1						28			6	
								31	8	5	
									17		
43	52	335	44	5		31	185	776	31	177	24



Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		NUMBER
			Once.	More than once.		Office force.	Shops.	Total.
OLEAN.								
I-1-b.	Stone.		1			1	31	32
5-d.	Glassware.		2			6	317	245
II-3-u.	Machinery.		3			2	55	53
5-7.	Vehicles and agricultural implements.		3			4	54	54
III-1.	Lumber and house trim.		1				12	19
IV-1.	Leather.		2			2	159	161
X-1.	Milling.		2			4	14	18
Total.			14			19	642	572
OSWEGO.								
I.	Stone.		3		4		8	5
II-3-d-1.	Railway equipment and tools.		2			4	268	107
3-t.	Boilers and engines.	2	6		1	12	513	439
3-u-v.	Machinery and castings.		7		3	12	275	274
4.	Railway repair shops.		4			8	667	675
5.	Vehicles.		2		1		13	7
6.	Shipbuilding and repairing.		2		2		16	3
9.	Instruments.		1			1	2	3
III-1.	Lumber and house trim.	1	4		3		27	15
2-a.	Boxes and barrels.	1	2			2	354	356
4-6.	Brooms, furniture and wooden articles.	1	4		2	1	41	42
IV-3.	Leather goods.		1				3	3
V.	Chemicals and oils.	1	1			2	410	382
VII-3-a.	Printing.	1	9		6	5	62	62
VIII-2-3.	Cotton and woolen goods.		3			3	110	71
4-7.	Knit goods and shade cloth.	2	5				810	817
IX-1-a.	Men's clothing.	1	6		4		16	16
5.	Miscellaneous cloth goods.	1	2		2		5	2
6-a.	Laundries.	4	9		10		22	22
6-b.	Cleaning and dyeing.		1		1		2	2
X-1-a.	Grain handling and milling.	2	1				4	4
1-b-c.	Fruits and vegetables.		2			4	312	316
2-a.	Meat and hide dressing.		2			1	43	39
3-c.	Bakeries.	7	7		6		11	11
3-d.	Confectionery.	2	3		2	2	84	79
4.	Cigars.	3	2		2		9	9
5-c.	Mineral water.		3		2		8	8
5-d.	Malt.	3	3				51	24
5-e-f.	Malt and distilled liquors.	1	6			6	45	45
XI.	Water, gas and electricity.		4				17	17
Total.			33	107	51	70	4,208	3,855
POUGHKEEPSIE.								
I-1-b.	Cut stone.		2		3		12	12
4-5.	Brick and glass ware.	1	1				24	24
II-3-b-q.	Iron work and hardware.	1	5		1	7	454	430
3-u-v.	Foundries and machine shops.		5			4	234	181
5.	Vehicles.		6		2		98	78
7.	Agricultural implements.		2			50	1,148	900
9.	Instruments.	1						
III-1.	House trim.		4			2	61	58
2-a.	Barrels.	1	2				65	59
5-a.	Chairs.		3		1	1	97	88
IV.	Leather and hair goods.		3		1	3	145	114
V.	Paints and oils.		1				2	2

## Olean-Oswego-Poughkeepsie.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
1 6 2 4 2 2 4	1 95  4	   4	38   3	   	   	239  <					

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
			Once.	More than once.		Office force.	Shops.	
POUGHKEEPSIE—Continued.								
VII.....	Printing and paper goods.....	1	13		7	10	186	185
VIII-4.....	Knit goods.....	1	2			7	232	195
IX-1-a.....	Men's clothing.....		5		3	10	504	514
1-b-2.....	Shirts and shirt waists.....		3			1	161	91
2-b.....	Women's white goods.....		3			8	398	391
5.....	Other cloth goods.....		1		2	1	14	15
6-a.....	Laundries.....	1	10		6		93	90
X-3-b-c.....	Bakeries.....	4	19		7	4	119	122
3-d.....	Confectionery.....		2		1		28	14
4.....	Cigars.....		6		1	5	463	223
5.....	Beverages and ice.....	1	2				16	16
XI.....	Gas and electricity.....		2				16	16
	Total.....	12	102		35	113	4,570	3,818
RENSSELAER.								
II-3.....	Hardware and machinery.....	1	3		3		12	6
4.....	Railway repair shops.....	1	3				397	397
IV.....	Leather and leather goods.....		1				15	11
V.....	Chemicals and oils.....		1			2	35	37
VII-3-a.....	Printing.....	4	2		2		3	3
VIII.....	Textiles.....		1			8	238	246
IX-6-a.....	Laundries.....	1	2		2		8	8
X-2-a.....	Meat dressing.....		1				3	3
3-c.....	Bakeries.....	2	6		5		13	13
4.....	Cigars.....		2		2		6	4
XI-1-2.....	Water and gas.....		2				10	10
	Total.....	9	24		14	10	740	738
ROCHESTER.								
I. STONE AND CLAY PRODUCTS.								
1-b.....	Cut stone.....		5			2	140	98
4-b.....	Terra cotta and fire-clay products.....		2				120	97
4-c.....	Pottery products.....		1	1	1	1	13	8
5.....	Glass.....		4		3	3	116	42
	Total.....		12	1	4	6	389	245
II. METALS, MACHINERY AND APPARATUS.								
1-a-b.....	Silver and gold.....		2		2	3	145	138
1-c.....	Jewelry.....		5		1	10	92	86
2-a-c.....	Smelting and brass foundries.....		3			1	148	79
2-d-e.....	Faucets, valves and gas fixtures.....		3			1	106	63
2-g-h.....	Other brass goods and lead.....		5			5	88	71
3-b.....	Scrap iron.....		2			1	60	16
3-c.....	Structural iron.....	1	4		1	4	185	125
3-d.....	Car wheels and railway equipment.....		3		2	12	590	402
3-e-f.....	Locks, screws, tacks.....		4		2	9	173	164
3-g.....	Other hardware.....		4		2	2	172	61
3-h.....	Cutlery.....		4		4		36	33
3-i-j.....	Tools and dies.....		13	2	10	6	225	191
3-n.....	Wire goods.....		2			1	45	46
3-o.....	Tinware, sheet-metal work.....	1	19	1	10	21	784	601
3-p-q.....	Polishing, plating & fancy metal goods.....		11	1	12	1	200	191

## Poughkeepsie-Rensselaer-Rochester.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
10	12	41	18				174	1		13	8
7	2	101	1					188		1	
10	15	352	18				492	12		1	
1	1	84					10	80		3	
8		365	5				208	175		5	2
1	1							14			
		44				5	64	21		12	
4	4	26	2			2	50	66		26	
		2				2		12			
5	16	104	21			43	4	171		1	
							10		6	3	
									16		
113	126	1,159	79	1		170	1,828	1,685	22	97	6
						2	3	1		4	
							119	267	11	3	
								11		2	
2							35			3	
		1				3				3	
8	13	89	4					238		4	2
		6					5	3		7	
								3		3	
								13		7	
		1						4		3	
									10	3	
10	13	97	4			5	162	540	21	42	2
2						96				1	
								97		4	
1	1		1				3	4		1	
3	2		1				36	3		7	1
6	3		2			96	39	104		13	1
3		15					20	115		3	
10		25	1				76			11	1
1		4					55	23		6	
1	1						52	10		2	
4		3					22	45		9	
1								15		4	
4	1		1				32	89		9	1
12								390		5	
9	4	1					1	154		4	
2	6	4	1	3			24	35		9	
	6		2		1		5	28		9	1
5	2	4	2			4	89	93		24	1
1	2		1				45			3	
21	16	62	1			161	43	376		21	1
1	8	92	12	1		2	176	12		33	3

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		NUMBER	
			Once.	More than once.		Office force.	Shops.	Total.	
ROCHESTER—Continued.									
II. METALS, MACHINERY AND APPARATUS—Continued.									
3-r.....	Stoves.....		5		1	12	493	370	
3-t.....	Boilers and engines.....		8		2	5	175	127	
3-u.....	Machinery.....	2	42	1	21	36	1,227	1,057	
3-v.....	Foundries.....	2	5			7	298	297	
4.....	Railway repair shops.....		6			24	726	673	
5-a.....	Carriages and wagons.....		17		15	24	656	649	
5-b.....	Cycles and parts.....	2	9		5	4	78	34	
5-d.....	Motor vehicles.....	1	1				5	3	
6.....	Ship and boat building.....		1		1		15	15	
7.....	Agricultural implements.....		3		2	1	25	17	
8-a.....	Pianos.....	1	9		2	9	571	580	
9-a.....	Scientific instruments.....		2			8	38	45	
9-b.....	Optical goods and cameras.....		8	1		152	2,932	2,826	
9-c.....	Scales and thermometers.....		5		3	5	214	215	
9-f.....	Lamps and lanterns.....		6		2	11	508	421	
10-c.....	Electrical apparatus.....	1	8		5	11	417	424	
Total.....			11	219	6	105	385	11,357	10,020
III. WOOD MANUFACTURES.									
1.....	Lumber and house trim.....	2	36	1	12	23	1,243	893	
2-a.....	Packing boxes and barrels.....	2	8		1	5	389	340	
2-b.....	Cigar boxes.....		2		2		15	13	
3-4.....	Baskets and brooms.....		3		3	1	31	31	
5-a.....	Furniture.....		23	1	5	81	1,875	1,892	
5-b-d.....	Caskets, store fixtures and screens.....		5		2	5	198	201	
6-a-b.....	Cork goods and smokers' articles.....		2			4	75	74	
6-c-d.....	Signs and domestic appliances.....	2	2	3	5		36	26	
6-e.....	Other articles of wood.....		16	2	21	8	167	144	
7.....	Picture frames.....		5		1	5	285	255	
Total.....			6	102	7	52	132	4,314	3,869
IV. LEATHER AND RUBBER GOODS.									
1.....	Manufacture of leather.....		1		1	1	6	5	
2-a.....	Fur goods.....		5	1	5	4	71	75	
2-b-c.....	Brushes and hair goods.....		3	1	3		40	39	
3-a.....	Belting.....		2			7	18	25	
3-b.....	Saddlery and harness.....		9		4	5	143	118	
3-c.....	Traveling bags and trunks.....	1	4		1	5	173	178	
3-d.....	Shoes.....	10	49	13	32	139	5,597	5,488	
3-f.....	Fancy leather goods.....			1		1	23	9	
4.....	Rubber goods.....		2	1	3	1	25	22	
5-a-b.....	Buttons, of pearl, bone, etc.....		2	3		41	827	838	
Total.....			11	77	20	49	204	6,923	6,797
V. CHEMICALS, OILS, EXPLOSIVES.									
1-a.....	Proprietary medicines.....	1	4	1		2	54	46	
1-b.....	Alkalies.....		4		1		24	10	
1-c.....	Photographic materials.....		5		1	151	235	386	
1-d.....	Other chemicals and drugs.....	1	4	1	1	13	35	45	
2.....	Paints and colors.....		11		3	13	149	141	
3-4.....	Charcoal, perfumery and soap.....		7		3	21	168	159	
5-7-8.....	Mineral oils, explosives and celluloid.....		4			16	372	360	
Total.....			2	39	2	9	216	1,037	1,147

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.161

Rochester.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Females (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
12	9	3						358		11	
5						7	110	5		9	
36	1		1			28	989	4		43	1
7	5		2				160	130		7	
24							95	554		13	
24	4		1				580	65		19	
4	1						14	16		7	
								3			
								15		1	
1							3	13		3	
9	17		7				290	281		21	4
8	3		2				18	19		5	
152	191	629	72				2,355	319		20	4
5	7	90	8				94	116		6	2
11	15	8	1					410		7	1
11	7	225	13			24	387	2		14	8
384	306	1,165	128	4	1	226	5,715	3,695		338	28
23	19	1	6			79	521	270		49	2
5	29		14			36	68	231		21	2
		3					13			2	
1	4	1	3				19	11		6	1
81	90	92	40				738	1,073		57	18
5	7	20	1				5	191		8	1
4	10	20	3		1		35	35		6	
	3	1	1				21	5		10	
8	4	1	2				46	90		27	1
5	9	4	5				3	247		9	2
132	175	143	75		1	115	1,469	2,153		195	27
1							4			2	
4		45					44	27		11	
	4	11	3				34	6		7	2
7								18		2	
5	3	28	2				58	55		11	2
5	15	13	3	1			7	166		8	
135	307	2,067	195	1	1		1,965	3,388		177	41
		3					9			3	
1	2	12	1			13	8			4	
41	38	454	39				503	294		28	13
199	369	2,633	243	2	1	13	2,632	3,953		253	58
2		19				11	33			9	
		3				8	4		3	3	
151		85					155	80		5	
13	2	12	2			2	13	17		12	
13	1	39	1				29	99		21	
21		92	1				68	70		12	1
16	6	58	3				272	72		6	
216	9	308	7			16	574	338	3	68	1

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER	
			Once.	More than once.		Office force.	Shops.		
Total.									
ROCHESTER—Continued.									
VI. PAPER AND PULP.									
1-2-c...	Rags and paper.....		8		4	7	197	186	
VII. PRINTING.									
1.....	Printers' materials.....		1		2		2	2	
2-a-b....	Paper boxes and bags.....		15		7	26	881	825	
2-c.....	Other paper goods.....		3		2	3	42	45	
3-a.....	Printing and publishing.....	3	56	5	40	147	1,827	1,892	
3-b-5....	Stationery and photographs.....		2		2		6	4	
	Total.....	3	77	5	53	176	2,768	2,768	
VIII. TEXTILES.									
2-4.....	Woolen, cotton and knit goods.....		5	1	4	5	366	127	
5-b-c....	Laces and trimmings.....		5		1	9	329	255	
	Total.....		10	1	5	14	695	382	
IX. CLOTHING, MILLINERY, LAUNDRIES.									
1-a.....	Men's and boys' clothing.....	70	347	22	261	159	7,182	7,264	
1-b.....	Women's clothing.....	23	98	3	84	6	686	664	
2-a.....	Shirts and collars.....		5		2	1	33	16	
2-b.....	Womens' and children's white goods.....		3	1		3	66	39	
3.....	Men's hats and caps.....		4		3		12	12	
4.....	Millinery, hand embroideries, etc.....		19	3	13		204	202	
5-a.....	Men's neckwear.....		3	1		8	178	144	
5-b-d....	Corsets and umbrellas.....		2	1	4		20	13	
5-e-g....	Bedding and awnings.....		3	1		7	110	92	
5-h.....	Department store workrooms.....		4			4	132	134	
6-a.....	Laundries.....		18	1	17	27	654	646	
6-b.....	Cleaning and dyeing.....		6		4	4	57	40	
	Total.....	93	512	33	388	219	9,334	9,311	
X. FOOD, TOBACCO AND LIQUORS.									
1-a.....	Grain handling and milling.....	4	14		2	35	321	201	
1-b.....	Preserved fruits and vegetables.....		6		1	41	1,320	1,152	
1-d.....	Coffee roasting and grinding.....		4		1	6	78	84	
2.....	Meats and dairy products.....		2		1	2	7	9	
3-a-c....	Bakeries.....	11	102	3	78	3	276	278	
3-d.....	Confectionery.....	2	12		2	12	637	632	
4.....	Cigars and tobacco.....	5	38	6	34	17	710	653	
5-a-c....	Ice, vinegar and mineral water.....		3			5	85	52	
5-d-e....	Malt and malt liquors.....		10			45	396	441	
5-f.....	Wine and distilled liquors.....		3			11	83	79	
	Total.....	22	194	9	119	177	3,913	3,581	
XI. DISTRIBUTION OF WATER, GAS AND ELECTRICITY.									
1-2.....	Water and gas.....		3			3	159	162	
4.....	Electricity.....		1	5			143	143	
	Total.....		1	8		3	302	305	
XII. BUILDING.									
1-6.....	Millwrighting and painting.....	1	3	1	4	1	11	12	
8.....	Plumbing, gas and steam fitting.....		19		9	34	423	389	
	Total.....	1	22	1	13	35	434	401	
XIII. WAREHOUSING AND COLD STORAGE.									
	Cold storage.....		1			1	50	33	
GRAND TOTAL.....			150	1,281	85	801	1,875	41,703	39,045

Rochester.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
7		63					26	85	68	13	
								2		1	
26	15	585	30			40	463	296		40	6
3	2	18	1				42			4	1
147	70	340	30	1	1	45	1,670	30		104	14
		2					3	1		2	
176	87	945	61	1	1	85	2,178	329		151	21
5	6	44	6				25	97		14	
9	12	189	14	1			7	239		11	4
14	18	233	20	1			32	336		25	4
159	135	3,538	302	3		38	6,532	535		375	76
6	1	535	9	4		7	144	504		62	6
1	1	27	1				30	3		6	1
3		62	1				66			9	1
		3					5	7		3	
	1	191	3	1		4	51	147		26	3
8	1	104	6				131	5		14	2
		10					13			5	
7		16	2				3	82		9	
4		94					27	108		5	
27	1	515	13			3	459	157		47	11
4		18						36		15	
219	140	5,113	337	8		52	7,461	1,579		576	100
35		47					47	119		18	
41	17	758	23		1		1	1,110		23	11
6		27					6	72		5	
2								7		4	
3	10	15	8		1	2	26	240	7	131	5
12		410	19				387	233		27	1
17	30	314	22	3		180	29	427		28	7
5								47		4	
45	6						369	27		9	
11		15					15	53		7	
177	63	1,586	72	3	2	182	880	2,335	7	256	24
3						50	7		102	3	
						9	129	5		8	
3						59	136	5	102	11	
1		3				1	7	3		5	
34						354	1			15	
35		3				355	8	3		20	
1								32		2	
1,569	1,170	12,192	945	19	6	1,199	21,150	14,947	180	1,921	264



Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		NUMBERS
			Once.	More than once.		Office force.	Shops.	Total.
ROME.								
I.....	Stone and clay products.....		2				35	26
II-2-b.....	Copper goods.....		4			13	376	389
2-g.....	Brass goods.....		6			16	1,283	1,086
3-e-m.....	Iron, hardware and tools.....	1	3			9	512	521
3-u.....	Machinery.....		3			7	293	300
3-v.....	Foundries.....		2			7	185	157
5.....	Vehicles.....		6		4	2	53	45
7.....	Agricultural implements.....		1				10	10
III-1.....	Lumber and house trim.....		3			1	35	36
2.....	Boxes.....		2			2	43	45
6.....	Wood-working.....		3		2		30	27
IV-3-b.....	Saddlery and harness.....		3			4	112	96
V.....	Chemicals and oils.....		3		1	5	26	31
VII.....	Printing and paper goods.....		5		1		49	46
VIII-3-4.....	Cotton and knit goods.....		5			6	598	604
IX-1-a.....	Men's clothing.....	1	5		5		9	19
6-a.....	Laundry.....		5		5		21	21
X-1-2.....	Cereal and dairy products.....		2			1	8	9
3-b-c.....	Bakeries.....		12		7		17	17
4.....	Cigars.....		11		5		76	72
5.....	Beverages.....		4		4	1	13	14
XI.....	Light and power.....		1				12	12
	Total.....		2	91	34	74	3,796	3,573
SCHENECTADY.								
I-1-b.....	Cut stone.....		3		3	3	27	30
2-4.....	Other stone and clay products.....		3	1	3	10	236	207
II-3.....	Iron and steel products.....	1	9	3	5	88	5,186	3,765
4.....	Railway repair shops.....		1			1	48	49
5-a.....	Carriages and wagons.....		4		6		30	22
7-10.....	Agricultural mach'y and elect'l goods.....		2			1,482	11,024	9,982
III-1-5.....	Wood manufactures.....		1	4	2	10	127	135
3.....	Leather goods.....		1	2	3	1	14	15
V.....	Chemicals and drugs.....		1			2	19	21
VII-2-3.....	Printing and paper goods.....		10	3	9	21	221	238
VIII.....	Textiles.....		3			4	255	223
IX-1.....	Tailoring and dressmaking.....	1	17	5	20	1	67	62
2.....	Shirts and ladies' white goods.....		3		1	3	230	233
4-a.....	Millinery.....		6	6	7	2	77	57
5.....	Miscellaneous cloth goods.....		1		1		1	1
6-a.....	Laundries.....	1	29		29	8	140	140
6-b.....	Cleaning and dyeing.....		2		2		9	19
X-1-a.....	Milling.....		2	1	4	1	19	20
3-c.....	Bakeries.....	1	24	18	41	8	125	129
3-d.....	Confectionery.....		5	1	5		45	35
4.....	Cigars.....	1	9	3	12		59	55
5-c.....	Mineral waters.....		3	1	4	1	14	15
5-e.....	Malt liquors.....		2	1	1	3	18	21
XI-2-4.....	Gas and electricity.....		1	1		2	29	31
XII-8.....	Plumbing.....		2	3	3	5	121	121
	Total.....		5	144	53	161	1,656	18,141
								15,616

## Rome-Schenectady.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
13	2		1				1	25		4	
16	2	97	3				1	375		7	2
9	6	54					12	1,058		6	
								512			
7								293		10	
7	3		3				3	147		4	
2								43			
								10			
1	1						25	10			
2	3	2						43			
	1	9	1				1	26			
4	4	3	3				1	91		2	
								26		1	
5		3						13			
6	1	2					33	556			
	3	432	42				42	9			
		3									
		11				6	7	6	2		
1								8			
								17		11	
	4	5	2			71	1			2	1
1							5	8			
									12		
74	30	621	55			77	132	3,276	14	47	3
3						27				2	
10	4	60	6				10	187		3	1
88	29		15			7	1,534	2,121	15	11	
1								48			
1,482	48	435	26				10	12			
10						90	8,329	3	78	134	
1							95	30		12	
								14		1	
2		15					19				
21	2	33				1	204	12		10	
4	2	133	2				8	211		4	1
1		21					17	44		1	
3	6	207	2			216	13	1		1	
2		55					22	33		8	
								1			
8		76	1			7	24	77	24	18	
	1		1				1	8		2	
1								19			
7		20						121	1	96	
	2	12		1				35		1	
	6	2	3			45	10			1	1
1								14		1	
3	2							18		2	
2							9		20		
5						110	6			5	
1,655	102	1,069	56	1		503	10,311	3,009	138	313	3

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER
			Once.	More than once.		Office force.	Shops.	Total.
SYRACUSE.								
I. STONE AND CLAY PRODUCTS.								
1-2.....	Cut stone, abrasives, etc.		4		4		107	72
3.....	Lime, cement and plaster	2	4	1	1	3	95	88
4.....	Brick, tile and pottery		3		1	9	689	689
Total.....		2	11	1	6	12	891	849
II. METALS, MACHINERY AND APPARATUS.								
1.....	Gold, silver and precious stones	1	1		1	1	22	23
2-a.....	Alloys and refining		1		2		4	4
2-o.....	Brass foundries		4		4	2	92	69
2-d-e.....	Valves, pumps and gas fixtures		2		2		14	12
3-o-d.....	Structural iron and railway equipment	1	3		1	5	59	48
3-e.....	Rolling mills and steel works	1	4		2	34	1,542	1,409
3-f-g.....	Hardware		4		6	34	707	741
3-h-j.....	Cutlery, tools and dies	1	5		10	4	88	92
3-k.....	Firearms		3		2	10	162	138
3-l-n.....	Typewriters and wire goods		2	1	3	47	951	984
3-o-p.....	Sheet and fancy metal goods	1	6		3	3	56	58
3-q.....	Plating and polishing	1	3		2	1	27	25
3-r.....	Cooking and heating apparatus		4			10	169	179
3-t.....	Boilers and engines	1	8		7	11	286	224
3-u.....	Machinery	1	16		14	81	332	363
3-v.....	Foundries		5	1	3	22	548	463
4.....	Railway repair shops		2				120	120
5-a-c.....	Carriages, wagons and cycles	2	7		3	10	409	415
5-d.....	Motor vehicles	1	5			43	626	594
7.....	Agricultural implements		4			93	585	655
8.....	Musical instruments	1	1		1		1	1
9.....	Other instruments and appliances	1	5	1	6	16	369	351
10.....	Electrical apparatus		4		5	26	197	223
Total.....		13	99	3	77	408	7,366	7,191
III. WOOD MANUFACTURES.								
1.....	Lumber and house trim	3	12		11	7	253	259
2-a-b.....	Barrels and boxes		8		9		107	106
4.....	Brooms		4		1	1	104	105
5-a-b.....	Furniture and caskets	1	11	1	8	20	422	434
5-c.....	Store and office fixtures	1	2		1	2	31	15
6-e.....	Other articles of wood	1	3		2		16	16
7.....	Picture frames and molding		3		5	6	86	89
Total.....		6	43	1	37	36	1,019	1,024
IV. LEATHER AND RUBBER GOODS.								
3-a-b.....	Belting, washers and harness		3		2	1	21	22
3-d.....	Boots and shoes	1	3			22	645	648
3-e.....	Gloves and mittens		3		5	1	47	41
4.....	Rubber goods		1		1	1	3	4
Total.....		1	10		8	25	716	715
V. CHEMICALS, OILS, EXPLOSIVES.								
1.....	Chemicals and drugs	1	6		4	18	273	291
2.....	Paints and colors		2		3	4	13	17
4.....	Soap, candles, stearin and wax	1	5		6	13	210	195
Total.....		2	13		13	35	496	503

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.167

Syracuse.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDEFS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOES) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
											3
						68		4		6	
3	1	3					11	74		4	
9	69	226	22	1			33	647		5	
12	70	229	22	1		68	44	725		15	3
1	1	1	1				1	21		5	1
								4			
2	1							67		5	
								12			
5							20	23		3	
34	25		5					1,273	102	10	
34	77	50	23				22	685		9	3
4	1	1					7	81		3	
10	4			2				128		5	1
47	1	1		1				937		5	1
3	3	8	3			7		48		11	3
1	2	2	1					24		6	
10						19	20	130		10	
11	1		1				20	193		16	1
31							165	167		9	
22	27		16		1		204	237		12	2
10		8						120		2	
48	3		2				5	400		8	
93							7	539		20	1
								562		6	
								1			
15	13	61	1				49	287		11	
26	4	3	3				6	191		6	3
407	163	135	59		1	26	526	6,130	102	162	16
7	6	3	1			22	10	220		25	1
	7	10	6			10	29	67		11	3
1	8	34	13				48	56		16	6
20	1	25	1			5	9	400		30	
2		2									
								13		1	
6	9	5	2					16			
								83		4	1
36	31	79	23			37	96	855		87	11
1											
22	34	217	18				110	516		1	
1		25						40		13	7
1							3			5	
										1	
25	34	242	18				113	577		20	7
18	22	124	32			4	222	17	30	10	
4		1					6	7		3	
13	11	39	12	1				182		14	4
35	33	164	44	1		4	228	206	30	27	4

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned removed, etc.	Factories Inspected.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		Total.	
			Once.	More than once.		Office force.	Shops.		
SYRACUSE—Continued.									
VI. PAPER AND PULP.									
1.....	Rags and paper stock.....		1		1		22	22	
VII. PRINTING AND PAPER GOODS.									
2.....	Paper goods.....		5		4	2	132	134	
3.....	Printing and publishing.....	2	33		30	77	681	740	
4.....	Wall paper.....		1		3	10	232	232	
	Total.....	2	39		37	89	1,035	1,106	
VIII. TEXTILES.									
2-a-4...	Woolen and knit goods.....		4		4	8	480	488	
IX. CLOTHING, MILLINERY AND LAUNDRY.									
1-a, 2-a.	Men's clothing and shirts.....		26	1	24	34	830	815	
1-b.....	Ladies' cloaks, waists, wrappers, etc....	1	9		6	8	581	499	
4-a.....	Millinery.....		2			5	47	51	
5-c.....	Suspenders, garters, etc.....		3			2	42	41	
5-g.....	Tents and awnings.....	2	1				6	6	
5-h.....	Department store workrooms.....		3				468	288	
6-a.....	Laundries.....		6		6	5	119	124	
6-b.....	Cleaning and dyeing.....		4		4	4	12	16	
	Total.....		3	54	1	40	58	2,105	1,840
X. FOOD, TOBACCO AND LIQUORS.									
1-a-b.....	Cereals, fruits and vegetables.....		4		1	9	126	135	
1-c-e.....	Yeast, grocer's sundries and salt.....		4	1	1	30	59	89	
2-a.....	Meat packing.....		3		3	50	288	338	
3-a-c.....	Bakery products.....	27	54	1	43	27	286	313	
3-d.....	Confectionery.....		3		6	4	90	94	
4.....	Cigars.....	5	14		12	9	300	309	
5-c.....	Mineral waters.....		2		5	2	12	14	
5-d-e.....	Malt and malt liquors.....		9		1	24	174	198	
	Total.....		32	93	2	72	155	1,335	1,490
XI. WATER, GAS, AND ELECTRICITY									
2-4.....	Gas and electricity.....		3			4	148	152	
XII. BUILDING.									
8.....	Plumbing and pipe-fitting.....		2			8	35	43	
	GRAND TOTAL.....		61	372	8	295	838	15,648	15,423
TONAWANDA.									
I.....	Stone and clay products.....	1							
II-3.....	Iron, steel and machinery.....		4			5	275	280	
5-8.....	Vehicles and boats.....		3				38	21	
III-1.....	Lumber and shavings.....		3				97	97	
V.....	Chemical preparations.....		1			4	20	24	
VI.....	Paper and pulp.....		1				156	156	
IX-6-a.....	Laundries.....		1				6	6	
X.....	Food and liquors.....		2				20	11	
	Total.....		1	15		9	612	595	

## REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.169

## Syracuse-Tonawanda.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
.....	.....	9	2	1	.....	.....	9	13	.....	3	1
2	6	93	23	.....	.....	.....	4	128	.....	15	7
77	17	107	6	.....	.....	101	553	9	.....	43	2
10	61	25	73	.....	.....	.....	.....	222	.....	5	.....
89	84	225	102	.....	.....	101	557	359	.....	63	9
8	6	382	29	.....	2	.....	116	364	.....	18	.....
34	3	469	14	2	.....	2	727	52	.....	72	5
8	2	445	13	.....	.....	.....	277	214	.....	27	3
5	.....	46	.....	.....	.....	.....	46	.....	.....	4	.....
2	.....	31	.....	.....	.....	11	28	.....	.....	7	.....
.....	.....	5	.....	.....	.....	.....	.....	6	.....	3	.....
.....	.....	278	7	.....	.....	.....	288	.....	.....	8	4
5	.....	93	1	.....	.....	.....	.....	119	.....	18	.....
4	.....	5	.....	.....	.....	5	.....	7	.....	8	.....
58	5	1,372	35	2	.....	18	1,366	398	.....	147	12
9	9	30	5	.....	.....	1	5	120	.....	8	1
30	1	15	2	.....	.....	.....	33	26	.....	18	1
50	.....	154	1	.....	.....	.....	.....	288	.....	7	.....
27	7	73	5	.....	.....	1	62	218	5	181	3
4	.....	35	.....	.....	.....	3	55	32	.....	3	.....
9	7	79	8	.....	.....	201	99	.....	.....	22	3
2	1	.....	1	.....	.....	.....	4	8	.....	3	1
24	.....	.....	.....	.....	.....	.....	174	.....	.....	8	.....
155	25	386	22	.....	.....	206	432	692	5	250	9
4	.....	.....	.....	.....	.....	.....	.....	125	23	1	.....
8	.....	.....	.....	.....	.....	.....	.....	35	.....	3	.....
837	451	3,223	356	5	3	460	3,487	10,479	160	796	72
5	.....	.....	.....	.....	.....	.....	.....	275	.....	4	.....
.....	11	.....	2	1	.....	4	12	9	.....	4	.....
.....	.....	.....	.....	.....	.....	.....	39	54	.....	5	.....
4	.....	.....	.....	.....	.....	.....	.....	20	.....	1	.....
.....	6	.....	1	.....	.....	.....	.....	150	.....	5	1
.....	.....	4	.....	.....	.....	.....	6	.....	.....	1	.....
.....	.....	.....	.....	.....	.....	.....	11	.....	.....	5	.....
9	17	4	3	1	.....	4	51	381	150	25	1

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		NUMBER
			Once.	More than once.		Office force.	Shops.	Total.
TROY.								
I. STONE AND CLAY PRODUCTS.								
1-b, 3-b	Cut and artificial stone.....	1	7		1		50	42
4-a-b	Brick.....	2	4			9	132	126
Total.....		3	11		1	9	182	168
II. METALS, MACHINERY AND APPARATUS.								
2.....	Copper, lead and zinc goods.....		6		1	13	591	554
3-c-d	Iron work and railway equipment.....		3		1	9	307	300
3-e	Rolling mills.....		2		1	10	1,510	1,514
3-f-g	Hardware, tools and dies.....		4		3	1	50	51
3-h	Sewing machines and wire goods.....		5		1	8	97	89
3-o	Sheet-metal goods.....	2	5		2	3	62	42
3-p-q	Fancy metal goods and plating.....	1	2		2		13	6
3-r	Heating apparatus.....		6		1	15	396	411
3-t-u	Engines and machinery.....		14		7	10	292	238
3-v	Foundries.....	1	3		1	2	111	86
4.....	Railway repair shops.....		3				43	40
5-a	Carriages and wagons.....	2	8		2	2	93	74
5-b	Bicycles.....	2	2		2		5	3
9-10	Instruments and electrical apparatus.....		5		3	19	237	238
Total.....		8	68		27	92	3,807	3,646
III. WOOD MANUFACTURES.								
1.....	Lumber and house trim.....	2	8		3	4	72	72
2-a-4	Boxes, barrels and brooms.....	2	4				45	39
5.....	Furniture and cabinet work.....	2	11		5	1	53	43
6.....	Novelties, household goods and patterns.....		6		4		65	34
Total.....		6	29		12	5	235	188
IV. LEATHER AND RUBBER GOODS.								
2-a	Furs and fur goods.....		1			1	12	8
2-b	Brushes.....	1	12		5	5	421	400
3-a	Belting.....		2			2	13	14
3-b	Harness.....	1	3			3	22	23
3-d	Shoes.....	1	1		1		1	1
4.....	Rubber goods.....		2		2	1	4	4
Total.....		3	21		8	12	473	450
V. CHEMICALS (OILS AND EXPLOSIVES).								
2-4	Paints and oils.....	1	5			5	69	74
VI. PAPER AND PULP.								
1.....	Rags and paper stock.....	1	2			5	75	73
2-c	Paper.....		3			4	130	134
Total.....		1	5			9	205	207
VII. PRINTING AND PAPER GOODS.								
-a	Paper boxes.....		6		1	4	349	337
2a-b	Printing and blank books.....	4	27		17	39	327	311
Total.....		4	33		18	43	676	648

Troy.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN—			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
.....	.....	.....	.....	.....	.....	30	1	11	.....	9	.....
9	.....	.....	.....	.....	.....	40	.....	77	.....	5	.....
9	.....	.....	.....	.....	.....	70	1	88	.....	14	.....
13	.....	.....	.....	.....	.....	22	486	33	.....	7	.....
9	.....	.....	.....	.....	.....	.....	.....	291	.....	3	.....
10	.....	.....	.....	.....	.....	.....	.....	1,504	.....	2	.....
1	.....	.....	.....	.....	.....	.....	30	20	.....	1	.....
8	3	7	3	.....	.....	.....	.....	81	.....	11	.....
3	.....	.....	.....	.....	.....	6	3	30	.....	2	.....
.....	.....	.....	.....	.....	.....	6	.....	.....	.....	3	.....
15	5	.....	.....	.....	.....	.....	52	344	.....	13	.....
10	.....	.....	.....	.....	.....	.....	6	222	.....	17	.....
2	.....	.....	.....	.....	.....	.....	36	48	.....	3	.....
.....	.....	.....	.....	.....	.....	.....	.....	16	24	4	.....
2	.....	.....	.....	.....	.....	.....	.....	72	.....	8	.....
.....	.....	.....	.....	.....	.....	.....	.....	3	.....	1	.....
19	4	.....	1	.....	.....	.....	.....	219	.....	11	1
92	12	7	4	.....	.....	34	613	2,883	24	86	1
4	.....	.....	.....	.....	.....	5	40	23	.....	6	.....
1	.....	6	.....	.....	.....	3	.....	36	.....	8	.....
.....	1	.....	.....	.....	.....	2	21	19	.....	13	.....
.....	.....	.....	.....	.....	.....	6	.....	28	.....	8	1
5	1	6	1	.....	.....	16	61	106	.....	35	1
1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
5	16	13	9	1	.....	6	59	330	.....	1	.....
2	.....	.....	.....	.....	.....	.....	5	7	.....	22	3
3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	20	.....	1	.....
1	.....	1	.....	.....	.....	.....	1	1	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	2	.....	3	.....
12	16	19	9	1	.....	6	72	360	.....	27	3
5	7	.....	3	.....	.....	.....	18	51	.....	15	1
5	.....	37	.....	.....	.....	.....	.....	68	.....	3	.....
4	.....	13	.....	.....	.....	.....	.....	76	54	9	.....
9	.....	50	.....	.....	.....	.....	.....	144	54	12	.....
4	28	132	30	.....	.....	.....	143	190	.....	21	5
39	11	14	5	2	.....	67	205	.....	.....	33	2
43	39	146	35	2	.....	67	348	190	.....	54	7



Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		NUMBER
			Once.	More than once.		Office force.	Shops.	Total.
TROY—Continued.								
VIII. TEXTILES.								
4.....	Knit goods.....	1	4			5	1,061	895
6-c.....	Cordage and oil-cloth.....		2				60	57
	Total.....	1	6			5	1,121	952
IX. CLOTHING, MILLINERY, LAUNDRY.								
1-a.....	Men's clothing.....	4	38		32	1	111	70
1-b.....	Ladies' clothing.....	1	12		10		171	91
2-a.....	Collars, cuffs and shirts.....	7	32		7	159	14,372	12,039
3.....	Men's hats and caps.....		1		1		6	6
4-a-b.....	Millinery and ladies' neckwear.....	5	20		5	1	230	112
5-g-h.....	Awnings and department store w'kr'ns.....	1	2		3		6	6
6-a.....	Laundries.....	12	21	1	13	12	1,354	992
6-b.....	Cleaning and dyeing.....	1	7		6		27	12
	Total.....	31	133	1	77	173	16,277	13,328
X. FOOD, TOBACCO AND LIQUORS.								
1.....	Cereals, fruits and vegetables.....		4		2	2	19	13
2.....	Meats and dairy products.....	2	1			1	7	7
3-b-c.....	Bakeries.....	14	42		16		134	126
3-d.....	Confectionery.....	5	11		5		68	48
4.....	Cigars.....	3	25		16		196	163
5-c.....	Mineral water.....		4		1		18	17
5-e.....	Malt liquor.....	1	9			24	271	275
	Total.....	25	96		40	27	713	649
XI. WATER, GAS AND ELECTRICITY.								
1-5.....	Water, gas, electricity and steam power.....	1	6			4	94	98
XII. BUILDING.								
3-4.....	Carpentry and stair building.....	2	6		2		28	13
7-8.....	Cornices and plumbing.....		7		2	1	44	37
	Total.....	2	13		4	1	72	50
XIII. WAREHOUSING AND COLD STORAGE.								
	Cold storage.....		1			2	22	24
	GRAND TOTAL.....	86	427	1	187	387	23,946	20,482
UTICA.								
I-1-b.....	Cut stone.....		5		1		18	18
3.....	Lime, cement and plaster.....		2			9	23	25
II-1.....	Gold and silver.....	1	1				3	3
2-b-c.....	Copper and brass goods.....		2	1	2		22	19
2-e-h.....	Gas fixtures and plumbers' goods.....		5			2	106	67
2-c-o.....	Structural iron-work, metal beds, etc.....		6		2	18	474	492
3-r.....	Heating apparatus.....		6			33	644	622
3-t.....	Boilers and engines.....		2		1		12	12
3-u-v.....	Machinery and iron pipe.....		9		7	13	344	333
4.....	Railway repair shops.....		6			9	248	241
5.....	Vehicles.....		8		2	3	142	133
7.....	Agricultural implements.....		1				25	18
10-e.....	Electrical apparatus.....		2			5	111	106
III-1-2.....	Lumber, house trim and boxes.....		6		3	16	178	191
5-6.....	Furniture and wood-working.....		6		5		102	87
IV-2.....	Furs and brushes.....		2				14	14

## Troy-Utica

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
5	12	613	18			10		880		12	2
	7	6	2					57		8	2
5	19	619	20			10		937		20	4
1	1	4					6	63		23	
		69					26	62	3	12	
159	155	9,251	155			68	6,872	4,940		109	15
	1	3				6				2	
1		105				82	17	12		28	
		3					6			3	
12	5	840	27	2	1	13	770	195	2	55	7
						3		9		6	
173	162	10,275	182	2	1	172	7,697	5,281	5	238	22
2							1	10		2	
1							6			1	
	4		1			6	4	116		67	1
		13	1			3	20	25		22	1
	24	4	15	1		157	6			29	7
24						1		17		3	
								250		19	
27	28	17	17	1		167	37	418		143	9
4						25	39	8	22	3	
1						9	4			4	
						27		9		5	
1						36	4	9		9	
2								22			
387	284	11,139	271	6	1	603	8,890	10,497	105	656	48
						4	9	5			
9						7		9		3	
								3			
	1		1				1	18		2	1
2	6	4	1					65		7	1
18	20	24	7			4	5	465		6	6
33	1		1				100	489		8	
							8	4			
13								320		12	
9	2							232		2	
3		1				3	4	123		1	
								18			
5	4	4	2				49	46		5	
16		9					8	167		2	
	1	18	1				1	86		7	
		6					5	9		1	

Table IV—Factories Inspected in Each City: By Industries—Continued.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	Factories Inspected.		No. owners at work.	Largest Number of Employees in the Year.		Total.	
			Once.	More than once.		Office force.	Shops.		
UTICA—Continued.									
3.....	Leather goods.....		4.....		1.....	1.....	41.....	41	
V-1-2.....	Chemicals, drugs and paints.....		3.....			2.....	10.....	12	
VI-1.....	Rags and paper stock.....		5.....			1.....	84.....	59	
VII-2-3.....	Printing and paper boxes.....		19.....		12.....	32.....	329.....	353	
VIII-2.....	Woolen goods.....		2.....		1.....	8.....	524.....	532	
3.....	Cotton goods.....		3.....	1.....		11.....	1,721.....	1,643	
4.....	Knit goods.....	5.....	9.....	6.....	1.....	56.....	4,245.....	4,012	
6.....	Flax, hemp and jute goods.....		1.....		1.....		2.....	2	
IX-1-a.....	Men's clothing.....		30.....	1.....	20.....	24.....	1,294.....	1,241	
1-b.....	Women's clothing.....		1.....		1.....		16.....	16	
2.....	Shirts and white goods.....		1.....				7.....	5	
4-a.....	Millinery.....		2.....		1.....		24.....	19	
5-g.....	Tents and awnings.....		2.....		2.....		13.....	10	
6-a.....	Laundries.....	1.....	12.....		5.....	4.....	153.....	138	
IX-6-b.....	Cleaning and dyeing.....		2.....		2.....	1.....	11.....	12	
X-1.....	Cereals, fruits and vegetables.....		5.....		2.....	7.....	53.....	50	
2-a.....	Meat dressing.....		4.....			1.....	25.....	26	
3-a.....	Food pastes.....		2.....			1.....	60.....	49	
3-c.....	Bakeries.....	6.....	32.....		21.....	5.....	83.....	80	
-d.....	Confectionery.....		4.....		3.....		25.....	19	
4.....	Cigars and tobacco.....	1.....	20.....		15.....		153.....	146	
5-c.....	Mineral waters.....		5.....		4.....		18.....	18	
5-e.....	Malt liquors.....		4.....			2.....	74.....	76	
XI-3-4.....	Gas and electricity.....		2.....	1.....		4.....	36.....	40	
XII-3-7.....	Carpentry and cornices.....		2.....		1.....		12.....	6	
Total.....			14.....	245.....	10.....	116.....	268.....	11,479.....	10,980
WATERTOWN.									
I.....	Stone.....		2.....		1.....		68.....	65	
II-2-3-c-o.....	Metal goods.....		6.....		1.....	31.....	1,468.....	1,003	
3-u.....	Machinery.....		3.....			14.....	445.....	409	
5-a.....	Carriages and wagons.....	1.....	2.....			22.....	375.....	263	
9-10.....	Instruments and electrical apparatus.....	1.....	1.....				10.....	3	
III-1.....	Lumber and house trim.....	1.....	1.....				25.....	20	
5-6.....	Furniture and wood novelties.....	2.....	1.....		1.....		6.....	6	
VI.....	Paper.....	1.....	2.....			3.....	91.....	94	
VIII-1.....	Silk goods.....	1.....	1.....			1.....	9.....	10	
IX-1-a.....	Men's clothing.....	1.....							
6.....	Laundries and dyeing.....		4.....		4.....		13.....	11	
X-1-a.....	Flour and feed.....		1.....				20.....	20	
3-b-c.....	Bakeries.....	1.....	3.....			3.....	82.....	35	
4.....	Cigars.....	3.....	3.....		2.....		22.....	13	
5-e.....	Malt liquors.....	1.....							
XI.....	Electric light and power.....		1.....				20.....	20	
Total.....			13.....	31.....	9.....	74.....	2,604.....	1,972	
WATERVLIET.									
II-2.....	Brass goods.....		2.....		1.....	2.....	15.....	17	
3.....	Iron and steel products.....	2.....	3.....		2.....	11.....	165.....	176	
5.....	Cars, wagons and carriages.....		3.....		1.....	5.....	223.....	218	
6.....	Boats.....		1.....		1.....		8.....	6	

## Utica-Watertown-Watervliet.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
1		1						40			
2		2					3	7		2	
1		35				16	12	30		15	
32	20	56	17	1		105	140	76		33	10
8	97	229	61				60	464		2	
11	70	830	54				54	1,578		2	2
56	104	2,543	271				215	3,741		19	45
								2			
23	7	597	23				27	1,191		18	8
		15						16			
		5					5				
		19					15	4			
		6				7	3				
4		80	5				2	131	1	9	4
1		1						11			
7		2						43		3	
1							3	22			
1		30						48		3	
5		6					2	73		6	
	1	4	1			1		18		4	
	7	14	5			108	1	37		8	
								18			
2							64	10		1	
4									36	3	
						6					
267	341	4,541	450	1		261	796	9,619	37	184	77
								65		3	
31		10						972		7	
14								395		1	
22	10	7						241		3	
								3		1	
		1						20		3	
3		8					8	6		2	
								83		6	
1		5						9		1	
	1	10	1				1	10		5	1
								20		1	
3		9						32		2	
						13				3	
							20			3	
74	11	50	1			13	29	1,856		41	1
2	1							15		1	
11	17		7				6	159		3	
5	1							213		1	
								6			

Table IV—Factories Inspected in Each City: By Industries—Concluded.

Industry number.	CITY AND INDUSTRY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		No. owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER
			Once.	More than once.		Office force.	Shops.	Total.
WATERVLIET—Continued.								
III-1.....	House trim.....		2			3	54	57
2-6.....	Boxes, ladders, etc.....		3			5	107	105
VII-3-a.....	Printing.....		2		1	1	4	5
VIII.....	Textiles.....		1			7	345	352
IX.....	Clothing, millinery and laundry.....		3		1	9	258	259
X.....	Bakery products and tobacco.....		5		4		11	11
XI.....	Gas and electricity.....		2			1	8	9
	Total.....	2	27		11	44	1,198	1,215
YONKERS.								
II-2.....	Copper, brass and lead goods.....		1			1	9	10
3-c-q.....	Iron work and hardware.....		4		4	1	22	14
3-u-v.....	Machinery and castings.....		5	1	3	3	80	80
5-6.....	Boats and vehicles.....	1	2			2	5	6
6.....	Instruments and appliances.....		2			4	50	49
III-1.....	Lumber and house trim.....		6		3	4	39	38
5-6.....	Furniture and wood-working.....		3		1		11	8
IV.....	Leather and rubber goods.....		2			12	198	210
V.....	Chemicals and drugs.....		1			2	30	32
VII-2-3.....	Printing and paper goods.....		4			5	45	49
VIII.....	Textiles.....		2			3	66	69
IX-1.....	Tailoring and dressmaking.....		2		1		23	15
3.....	Men's hats and caps.....		2			22	2,066	2,068
5.....	Miscellaneous cloth goods.....		1			1	4	5
6-a.....	Laundries.....		23	1	20	3	146	149
6-b.....	Cleaning and dyeing.....		2		1		6	4
X-1.....	Cereals, fruits, etc.....		2			10	896	906
3-c.....	Bakeries.....		16		5		70	69
4-5.....	Cigars and cigarettes.....		3		1		25	17
XII-3-8.....	Carpentry and plumbing.....		2			4	12	12
	Total.....	1	85	2	39	77	3,803	3,833

## Watervliet-Yonkers.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
3								54		2	
5	16	13	7					100		3	
1							4				
7	34	101	22				22	323		2	
9	3	201	9				9	241		1	
	2					2		9		4	
1								3	5		
44	74	315	45			2	41	1,123	5	17	
1	2							9			
1	3		3			3		3		11	2
3	1						77			3	
2								4		2	
4	1	20	2				45			6	2
4						34				8	
						2		6		4	
12	6	36					4	194		5	
2	2	20	4	1			30			2	
5	7	11	3				44			7	
3	1	59	7				66			7	2
		8					8	7		1	
22	3	351	81				270	1,796		5	
1		2					4				
3	3	82	13			14	96	27	9	31	
							2	2		3	
10	6		4					36	860	8	
								69		25	
		2				8		9		2	
4						8				5	
77	35	591	117	1		69	653	2,162	869	135	6

## RECAPITULATION OF TABLE V—STATISTICS OF FAC

GROUPS OF INDUSTRIES.	Closed, burned, removed, etc.	INSPECTED.		No. of owners at work.
		Once.	More than once.	
I. Stone and clay products.....	52	668	17	A. New 260
II. Metals, machinery and apparatus.....	388	4,650	84	2,573
III. Wood manufactures.....	263	2,260	58	1,344
IV. Leather and rubber goods.....	212	1,800	66	1,280
V. Chemicals, oils, explosives.....	73	764	14	292
VI. Paper and pulp.....	19	290	2	136
VII. Printing and paper goods.....	163	2,751	70	1,597
VIII. Textiles.....	126	908	35	417
IX. Clothing, millinery, laundry, etc.....	1,792	10,948	647	8,218
X. Food, tobacco and liquors.....	760	6,341	218	4,129
XI. Water, gas and electricity.....	25	354	4	7
XII. Building industry.....	59	437	7	235
XIII. Warehousing, cold storage, etc.....		13		5
I. Stone and clay products.....	22	366	10	B. New 160
II. Metals, machinery, and apparatus.....	208	2,939	52	1,648
III. Wood manufactures.....	82	1,214	37	678
IV. Leather and rubber goods.....	149	1,348	43	1,071
V. Chemicals, oils, explosives.....	38	534	9	218
VI. Paper and pulp.....	9	143	2	89
VII. Printing and paper goods.....	103	1,883	51	1,015
VIII. Textiles.....	63	625	21	340
IX. Clothing, millinery, laundry, etc.....	1,455	8,779	570	6,592
X. Food, tobacco and liquors.....	353	3,608	158	2,413
XI. Water, gas and electricity.....	2	122	2	4
XII. Building industry.....	45	309	2	166
XIII. Warehousing, cold storage, etc.....		8		5
Total.....	2,529	21,878	957	14,399

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904. III.179

## TORIES INSPECTED: BY GROUPS OF INDUSTRIES.

LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER OF EMPLOYEES AT TIME OF INSPECTION.						
Office force.	Shops.	Total.	In office, etc.	IN SHOPS EMPLOYING—			Males under 18 years (S.).	Females (S.).
				Under 20.	20-199.	200+.		
<b>York State.</b>								
802	29,733	25,949	794	3,135	15,070	6,950	1,061	1,200
11,545	241,933	213,638	11,382	20,182	72,292	109,782	5,328	10,399
1,930	60,482	54,387	1,926	10,635	32,535	9,291	2,012	3,279
1,848	56,255	52,061	1,795	8,473	23,065	18,728	1,717	14,989
3,542	27,894	29,237	3,511	3,612	10,781	11,333	659	5,962
328	10,922	10,854	320	1,466	5,695	3,373	119	1,951
8,936	80,831	82,018	8,885	13,155	37,816	22,162	2,623	23,064
1,472	86,981	79,235	1,455	3,923	26,013	47,844	2,636	44,336
6,265	259,936	222,495	6,241	51,339	119,928	44,987	1,918	37,989
4,252	102,994	93,024	4,158	21,980	34,104	32,782	1,213	30,736
284	6,794	6,666	283	1,617	3,362	1,404	.....	2
395	6,146	4,733	382	2,048	2,033	270	28	44
22	159	152	22	76	54	.....	.....	.....
<b>York City.</b>								
555	13,747	10,996	550	2,098	5,544	2,804	370	619
6,081	103,802	92,910	5,952	13,580	36,758	36,620	3,050	6,511
1,073	30,652	26,364	1,069	6,036	14,646	4,613	671	2,154
1,277	29,524	26,004	1,229	6,584	12,711	5,480	700	7,233
2,090	15,899	16,547	2,059	2,383	7,312	4,793	317	3,903
111	2,599	2,507	103	840	1,039	525	53	1,065
7,682	61,836	63,398	7,644	9,125	28,678	17,951	1,848	17,483
834	32,930	28,126	820	3,380	10,963	12,963	661	16,371
5,366	202,977	171,444	5,343	42,600	102,152	21,349	1,305	4,081
3,070	66,220	61,300	2,978	12,694	20,998	24,630	439	21,030
229	4,714	4,593	229	582	2,578	1,204	.....	.....
286	3,979	2,739	273	1,425	1,041	.....	21	19
19	67	75	19	56	.....	.....	.....	.....
28,673	568,946	507,003	28,268	101,383	244,420	132,932	9,435	80,469



# III.180 NEW YORK STATE DEPARTMENT OF LABOR.

Recapitulation of Table V—Continued.

GROUPS OF INDUSTRIES.	NUMBER OF EMPLOYEES AT TIME OF IN						
	CHILDREN						
	BOYS.		GIRLS.		Total 14-16 years.	UNDER 14.	
	O.	S.	O.	S.		O.	S.
I. Stone and clay products.....	4	327	.....	10	341	A. New York	
II. Metals, machinery and apparatus.	66	1,434	2	293	1,795	.....	18
III. Wood manufactures.....	10	577	.....	102	689	1	25
IV. Leather and rubber goods.....	9	741	.....	468	1,218	.....	15
V. Chemicals, oils, explosives.....	31	219	4	219	473	.....	4
VI. Paper and pulp.....	1	35	.....	40	76	.....	5
VII. Printing and paper goods.....	62	826	1	678	1,567	1	25
VIII. Textiles.....	3	1,101	4	1,846	2,954	.....	14
IX. Clothing, millinery, laundry, etc..	69	762	11	2,359	3,201	1	52
X. Food, tobacco and liquors.....	6	431	5	626	1,068	1	69
XI. Water, gas and electricity.....	.....	.....	.....	.....	.....	.....	1
XII. Building industry.....	1	6	.....	.....	7	.....	1
XIII. Warehousing, cold storage, etc...	.....	.....	.....	.....	.....	.....	.....
I. Stone and clay products.....	4	87	.....	4	95	B. New York	
II. Metals, machinery and apparatus.	36	867	2	170	1,075	.....	5
III. Wood manufactures.....	9	149	.....	75	233	1	2
IV. Leather and rubber goods.....	8	251	.....	268	527	.....	2
V. Chemicals, oils, explosives.....	29	129	3	137	298	.....	.....
VI. Paper and pulp.....	1	26	.....	13	40	.....	3
VII. Printing and paper goods.....	57	498	1	482	1,038	1	15
VIII. Textiles.....	2	234	3	592	831	.....	3
IX. Clothing, millinery, laundry, etc..	65	486	10	1,620	2,181	1	34
X. Food, tobacco and liquors.....	4	112	5	346	467	.....	4
XI. Water, gas and electricity.....	.....	.....	.....	.....	.....	.....	.....
XII. Building industry.....	1	5	.....	.....	6	.....	.....
XIII. Warehousing, cold storage, etc...	.....	.....	.....	.....	.....	.....	.....
Total.....	216	2,844	24	3,707	6,791	3	69

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904. III.181

## Statistics of Factories Inspected by Groups of Industries.

SEX.		WEEKLY HOURS OF LABOR.				ORDERS.		Number children without certificate ordered discharged.
		NO. EMPLOYEES (S.) WHO WORK—				Total Number.	Establa. notified.	
ILLITERATE.		51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.			
O.	S.							
State.								
		5,067	5,817	13,708	563	873	440	96
	14	5,585	92,938	101,782	1,951	6,255	2,917	447
	6	5,791	12,829	33,547	294	3,567	1,598	256
	13	1,501	17,714	30,979	72	2,993	1,148	257
		2,643	13,405	9,067	611	1,050	495	91
	2	66	1,172	5,557	3,739	631	223	42
1	6	8,297	53,292	11,524	20	3,769	1,739	463
	8	1,228	20,406	56,146		1,997	662	320
2	71	12,792	127,744	73,728	1,990	18,404	7,562	1,187
	3	15,174	25,727	44,939	3,026	9,879	4,260	340
		535	1,675	1,999	2,174	293	196	
		2,815	1,033	503		418	275	3
		9	7	99	15	15	9	
City.								
		4,001	3,132	3,313		467	241	30
	9	4,180	57,609	25,070	99	3,818	1,860	274
	1	4,906	7,910	12,469	10	1,726	860	77
	12	1,308	13,057	10,368	42	2,368	907	152
		2,497	6,184	5,569	238	748	362	64
	2	13	794	1,582	15	259	114	10
	6	7,047	42,918	5,789		2,834	1,271	327
	2	1,023	15,776	10,507		1,194	451	150
2	69	11,793	103,114	49,345	1,849	16,082	6,412	956
		11,456	20,123	25,334	1,409	6,663	2,673	135
		399	1,238	1,361	1,366	129	83	
		1,576	639	251		298	199	3
		9	3	29	15	12	7	
2	101	50,208	272,497	150,987	5,043	36,598	15,440	2,178

TABLE V—STATISTICS OF FACTORIES INSPECTED:

## I. STONE AND

CITY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER  Total.
		Once.	More than once.		Office force.	Shops.	
Albany.....	1	9		1	3	230	219
Amsterdam.....		1		1		3	3
Auburn.....		1				6	6
Binghamton.....	1	4		3	4	201	205
Buffalo.....	3	33	1	11	29	1,344	1,096
Cohoes.....		2				99	90
Corning.....		16		4	32	2,238	2,224
Cortland.....		1				15	15
Dunkirk.....	1	4		4	1	49	42
Elmira.....	1	4		5	3	77	80
Gloversville.....		2		1		10	10
Hornellsville.....		1				23	23
Hudson.....		4		3	10	318	215
Ithaca.....	1	3		2	2	66	56
Jamestown.....	1	2			2	73	75
Johnstown.....		1		1		16	16
Kingston.....		4				490	490
Lockport.....	1	1			4	113	117
Middletown.....		1		1		26	27
Newburgh.....		2		2	4	161	165
New York City.....	22	366	10	160	555	13,747	10,996
Niagara Falls.....		1			1	18	19
North Tonawanda.....		1			1	6	7
Ogdensburg.....		2		2		6	3
Olean.....		3			7	348	277
Oswego.....		3		4		8	5
Poughkeepsie.....	1	3		3		36	36
Rochester.....		12	1	4	6	389	245
Rome.....		2				35	26
Schenectady.....		6	1	6	13	263	237
Syracuse.....	2	11	1	6	12	891	849
Tonawanda.....	1						
Troy.....	3	11		1	9	182	168
Utica.....		7		1	9	41	43
Watertown.....		2		1		68	65
Villages and towns.....	13	142	3	33	94	8,137	7,699
Total.....	52	668	17	260	802	29,733	25,949

## II. METALS, MACHINERY

Albany.....	10	76	2	52	119	4,146	3,882
Amsterdam.....	1	18	1	11	19	485	464
Auburn.....		25		1	148	3,393	2,700
Binghamton.....	2	25		29	72	1,371	1,386
Buffalo.....	45	352	4	197	815	25,104	19,649
Cohoes.....	3	16		15	26	968	904
Corning.....	2	5		1	4	190	191
Cortland.....	1	14		1	27	2,189	1,981

## BY INDUSTRIES AND LOCALITIES.

## CLAY PRODUCTS.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Females (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
3	10		2			6	20	190		4	2
						6	3				
4	10		3				198	3		7	
26	23	70	7			134	521	415		36	2
32	180	144	67			148	1,063	981		16	4
								15		1	
1	1							41		3	
3		3					13	64		5	
								10			
								23		2	
10	5		3	2		12	5	288		5	
2						48		6		1	
2								73		1	
								16		3	
	22		5	1			7	483		4	1
4	23	8	4				63	50		8	4
1	6	2						26		2	
4	1							151		1	
550	370	619	95	1		4,001	3,132	3,313	18	467	30
1								6		1	
							1	2		2	
7	96		38			239	31			8	4
						3	2			3	
	2					12		24			
6	3		2			96	39	104		13	1
	2		1				1	25		4	
13	4	60	6			27	10	187		5	1
12	70	229	22	1		68	44	725		15	3
9						70	1	88		14	
9						11	9	14		3	
								65		3	
94	232	65	86	13		182	644	6,234	545	232	44
794	1,061	1,200	341	18		5,067	5,817	13,708	563	873	96

## AND APPARATUS.

119	34	52	13			21	2,552	1,190		33	3
19	5		2				80	357	8	23	
148	46	16	12			7	497	2,048		30	2
72	21	15	6			2	857	455		54	
815	640	589	131	2		440	3,640	14,284	470	495	56
26	8		3		1	6	330	542		17	2
4	2						5	182		2	
27	56	110	9	3			1	1,953		30	6

Table V—Continued.

## METALS, MACHINERY AND

CITY.	Closed, burned, removed, etc.	FACILITIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
		Once.	More than once.		Office force.	Shops.	
Dunkirk.....	1	11		8	80	3,510	2,631
Elmira.....	4	28	4	24	143	2,259	1,774
Fulton.....		10		3	14	498	434
Gloversville.....	1	11		7		129	122
Hornellsville.....		5	1		14	682	639
Hudson.....	1	2			11	155	128
Ithaca.....		18		4	18	480	462
Jamestown.....	5	24		35	91	1,059	1,115
Kingston.....	2	15		5	33	682	679
Little Falls.....		12		5	22	333	326
Lockport.....	1	23		12	14	1,029	721
Middletown.....		6		2	25	781	763
Mount Vernon.....		3		1	5	242	243
Newburgh.....		7		1	30	900	777
New York City.....	208	2,939	52	1,648	6,081	103,802	92,910
New Rochelle.....		3	2	5	11	94	92
Niagara Falls.....	1	6			37	714	751
North Tonawanda.....		11		2	57	1,572	1,594
Ogdensburg.....	4	8		5	1	125	79
Olean.....		6			6	109	107
Oswego.....	2	24		7	37	1,754	1,508
Poughkeepsie.....	2	18		3	61	1,934	1,589
Rensselaer.....	2	6		3		409	403
Rochester.....	11	219	6	105	385	11,357	10,020
Rome.....	1	25		4	54	2,712	2,508
Schenectady.....	1	16	3	11	1,571	16,288	13,818
Syracuse.....	13	99	3	77	408	7,866	7,191
Tonawanda.....		7			5	813	301
Troy.....	8	68		27	92	3,907	3,646
Utica.....	1	48	1	14	83	2,131	2,040
Watertown.....	2	12		1	67	2,298	1,678
Watervliet.....	2	9		5	18	411	417
Yonkers.....	1	14	1	7	11	166	159
Villages and towns.....	50	406	4	235	830	33,686	30,856
Total.....	388	4,650	84	2,573	11,545	241,933	213,638

## III. WOOD MANU

Albany.....	2	37		16	16	549	458
Amsterdam.....	3	9		3	4	200	195
Auburn.....	1	10		1	7	211	218
Binghamton.....	1	14		13	25	857	827
Buffalo.....	15	139		74	142	5,305	5,137
Cohoes.....	1	5		2	7	163	128
Corning.....		2		1	4	20	24
Cortland.....	1	4				53	35
Dunkirk.....	1	5		7	7	84	74
Elmira.....	2	10	3	10	40	672	645
Fulton.....	1	8		3	1	97	66
Gloversville.....		5			4	64	58

Statistics of Factories Inspected: By Industries and Cities.

## APPARATUS—Continued.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
80	77	3	14				34	2,517		29	
113	12	10	1				854	322	485	48	
14		4				25		395		26	
	1	3	1				1	121		1	1
12	4					30	551	46		5	
11								117		2	
18	2	2	2				105	339		13	1
91	22	3	11			5	741	278		52	1
33	19	90	8				36	610		16	4
22							61	243		2	
14	12	3	1				108	599		13	1
25	9	18	3				17	721		4	
5	5	27	8			195	41	2		5	
30	2		1				605	142		2	
5,952	3,050	6,511	1,075	5	9	4,180	57,609	25,070	99	3,818	274
11	1						42	39			
37	28	141	12				191	523		6	
57	94	118	6					1,237	300	7	3
1								78		22	
6								101		3	
37	19		1			6	641	738	86	45	1
61	60	6	8			6	709	813		16	
						2	122	268	11	7	
384	306	1,165	128	4	1	226	5,715	3,695		338	28
54	11	151	6				16	2,438		27	2
1,571	77	435	41			97	9,873	2,184	93	145	
407	163	185	59		1	26	526	6,130	102	162	16
5							12	284		8	
92	12	7	4			34	613	2,883	24	86	1
83	34	33	12			7	167	1,783		43	8
67	10	17						1,611		12	
18	19		7				6	393		5	
11	7	20	5			3	129	16		22	4
830	463	725	206	4	2	267	5,451	24,035	273	581	33
11,382	5,328	10,399	1,795	18	14	5,585	92,938	101,782	1951	6,255	447

## FACTURES.

16	28	43	6			21	116	305		17	5
4	6		3				7	184		22	
7	4	7				8	18	185		8	
25	20	84	5				68	734		25	1
142	469	99	110	1		43	1,006	3,946		160	57
7	3						2	119			
4						16		4		7	
								35		4	
7		1						67		10	
40	17		6				324	281		27	2
1		11				3		56		15	
4							34	20		4	

Table V—Continued.

## III. WOOD MANUFAC

CITY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
		Once.	More than once.		Office force.	Shops.	
Hornellsville.....		4		1	1	295	290
Hudson.....		3				96	81
Ithaca.....		18		7	18	214	209
Jamestown.....		39	2	81	86	2,271	2,075
Kingston.....	4	9		4	4	113	92
Little Falls.....		9		3	5	116	118
Lockport.....	4	14		5	12	521	501
Middletown.....	2	1			2	12	14
Mount Vernon.....		5			12	233	214
Newburgh.....	1	5		3	5	59	64
New York City.....	82	1,214	37	678	1,073	30,652	26,364
New Rochelle.....		1	1	4	14	160	174
Niagara Falls.....	1	1			2	23	25
North Tonawanda.....	1	14			34	566	600
Ogdensburg.....	1	10		6	17	300	301
Olean.....		1				12	9
Oswego.....	3	10		5	3	422	413
Poughkeepsie.....	1	9		1	3	223	205
Rochester.....	6	102	7	52	132	4,314	3,869
Rome.....		8		2	3	108	108
Schenectady.....		2	6	5	11	141	150
Syracuse.....	6	43	1	37	36	1,019	1,024
Tonawanda.....		3				97	97
Troy.....	6	29		12	5	235	188
Utica.....		12		8	16	280	278
Watertown.....	3	2		1		31	26
Watervliet.....		5			8	161	162
Yonkers.....		9		4	4	50	46
Villages and towns.....	114	432	1	295	167	9,483	8,831
Total.....	263	2,260	58	1,344	1,930	60,482	54,387

## IV. LEATHER AND

Albany.....	3	8		6	5	79	74
Amsterdam.....		4			14	498	490
Auburn.....		4			25	1,805	1,830
Binghamton.....		6		8	7	227	233
Buffalo.....	10	91		60	67	2,646	2,509
Cohoes.....		2		2		10	3
Elmira.....	3	5		2	10	289	274
Fulton.....							
Gloversville.....	13	116		30	41	5,062	4,833
Hornellsville.....		4			3	114	117
Jamestown.....		2		2		46	46
Johnstown.....	2	10			4	375	312
Kingston.....		1				150	120
Little Falls.....		1			1	104	85
Lockport.....	1	2		4		7	7
Middletown.....		2			3	144	147

Statistics of Factories Inspected: By Industries and Cities.

## TURES—Continued.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
1	15		7					289		3	5
.....	2		1					36		13	
18		40						86		5	
86	32	11	7					9	1,980	129	2
4	4					4	70	14		6	
5	3	1	2				2	111		1	
12	24	67	9			60	46	383		24	5
2							12				
12	6					198				8	
5	3		2			25	4	34		5	1
1,069	671	2,154	233	3	1	4,906	7,910	12,469	10	1,726	77
14						160				3	
2								23		1	
34	123	8	21				17	549		9	
17	19		8				2	282		36	5
.....								9		1	
3	25	1	15			15	351	44		17	3
3	8		1	1			98	104		16	1
132	175	143	75		1	115	1,469	2,153		195	27
8	5	11	1				26	79			
11							95	44		13	
36	31	79	23			37	96	855		87	11
.....	11		2	1		4	39	54		5	
5	1	6	1			16	61	106		35	1
16	1	27	1				9	253		9	
.....		1						26		5	
8	16	13	7					154		5	
4						36		6		12	
167	290	465	143	20	4	124	816	7,440	284	899	53
1,926	2,012	3,279	689	26	6	5,791	12,829	33,547	294	3,567	256

## RUBBER GOODS.

5	5	29				2	67		2	
14	18	148	8			1	475		19	
25	168	836	108	1		82	1,723		10	3
7	9	89	9			103	123		19	2
67	125	472	102	1		32	544	1,866	87	18
.....		2				2		1		
10		87					16	248	9	
41	49	1,509	74	1		168	4,624		33	6
3		13				30	84		5	
.....		12					46		3	
4	3	103	4			1	307		2	
.....										
1	18		12			12	108		3	
.....							84			
3		2					7			
.....							144			



Table V—Continued.

## IV. LEATHER AND RUB

CITY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
		Once.	More than once.		Office force.	Shops.	
Mount Vernon.....		1	1		5	208	212
Newburgh.....	1	1		1	13		13
New York City.....	149	1,348	43	1,071	1,277	29,524	26,004
Niagara Falls.....		1			2	5	7
Ogdensburgh.....	1	3		3	3	180	125
Olean.....		2			2	159	161
Oswego.....	1	1				3	3
Poughkeepsie.....		3		1	3	145	114
Rensselaer.....		1				15	11
Rochester.....	11	77	20	49	204	6,923	6,797
Rome.....		3			4	112	96
Syracuse.....	1	10		8	25	716	715
Troy.....	3	21		8	12	473	450
Utica.....		6		1	1	55	55
Yonkers.....		2			12	198	210
Villages and towns.....	14	62	2	24	118	5,970	6,008
Total.....	212	1,800	66	1,280	1,848	56,255	52,061

## V. CHEMICALS, OILS

Albany.....	2	9		6	15	255	209
Amsterdam.....		1				110	100
Auburn.....		3			1	18	19
Binghamton.....		4		1	7	53	48
Buffalo.....	6	53		21	596	3,457	3,772
Cohoes.....		1			3	15	14
Cortland.....		2				18	6
Elmira.....		3		1	1	12	12
Gloversville.....		1				3	3
Ithaca.....		1			20	19	39
Jamestown.....	2	2		3	2	16	14
Johnstown.....	1						
Kingston.....	1	2			1	16	17
Little Falls.....		1			4	18	22
Lockport.....		1				5	5
Newburgh.....		3		1	10	65	51
New York City.....	38	534	9	218	2,090	15,899	16,547
New Rochelle.....		1	1	2	3	11	12
Niagara Falls.....		5			35	521	556
North Tonawanda.....		1			4	6	10
Ogdensburg.....		1				5	5
Oswego.....	1	1			2	410	382
Poughkeepsie.....		1				2	2
Rensselaer.....		1			2	35	37
Rochester.....	2	39	2	9	216	1,037	1,147
Rome.....		3		1	5	26	31
Schenectady.....		1			2	19	21
Syracuse.....	2	13		13	35	496	503
Tonawanda.....		1			4	20	24
Troy.....	1	5			5	69	74
Utica.....		3			2	10	12
Yonkers.....		1			2	30	32
Villages and towns.....	17	66	2	16	475	5,218	5,511
Total.....	73	764	14	292	3,542	27,894	29,237

Statistics of Factories Inspected: By Industries and Cities.

## BER GOODS—Continued.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
5	1	4	5				207			4	1
1,229	700	7,233	527	2	12	1,308	13,057	10,368	42	2,368	152
2		6						13		1	
3	6	61	4				71	51		17	3
2	4		3				59	100		3	
								3		1	
3	5	34	5			100	9	2			
199	369	2,633	243	2	1	13	2,632	11		2	
4	4	3	3				1	91		253	58
25	34	242	18				113	577		2	7
12	16	19	9	1		6	72	360		27	3
1		7					5	49		1	
12	6	36					4	194		5	
118	177	1,409	82	2		10	555	5,295	30	97	4
1,795	1,717	14,989	1,218	15	13	1,501	17,714	30,979	72	2,993	257

## AND EXPLOSIVES.

15	13	33	8				15	179		10	1
1		6					4	100		4	
7		6					18	14		5	
596	178	558	57	1		79	2,014	1,083		67	9
3								11			
1		5					6	6		2	
								5			
20		16	1				19	3			
2	1	6	1				10	2		5	1
1	1	5	1				7	9		6	1
4		4						18			
		2						5			
10		8					6	35			
2,059	317	3,903	298			2,497	6,184	5,569	238	748	64
3		3					9			1	
35	11	4	2				203	302	16	10	
4						6				1	
								5		2	
2	34	140	19				19	361		5	
								2			
2							35			3	
216	9	308	7			16	574	338	3	68	1
5		3						26		1	
2		15					19				
35	33	164	44	1		4	228	206	30	27	4
4								20		1	
5	7		3				18	51		15	1
2		2					3	7		2	
475	53	751	28	1		41	3,979	692	324	58	9
3,511	659	5,962	473	4		2,643	13,405	9,067	611	1,050	91

Table V—Continued.

## VL PAPER

CITY.	Closed, burned, removed, etc.	Factories inspected.		Number owners at work.	Largest number of employees in the year.		Number Total.
		Once.	More than once.		Office force.	Shops.	
Albany.....		4			14	244	235
Amsterdam.....		2			7	32	38
Auburn.....		2		1		9	29
Buffalo.....	2	17		21	26	437	437
Cohoes.....		4		2		28	24
Fulton.....		5		2	8	224	232
Ithaca.....		2		2	1	22	21
Jamestown.....		1		1		6	6
Little Falls.....		2			2	28	30
Lockport.....		2			2	174	176
New York City.....	9	143	2	89	111	2,599	2,507
Niagara Falls.....	1						
Rochester.....		8		4	7	197	186
Syracuse.....		1		1		22	22
Tonawanda.....		1				156	156
Troy.....	1	5			9	205	207
Utica.....		5			1	84	59
Watertown.....	1	2			3	91	94
Villages and towns.....	5	84		15	137	6,364	6,415
Total.....	19	290	2	136	328	10,922	10,854

## VII. PRINTING AND

Albany.....	1	48	4	29	87	2,000	1,753
Amsterdam.....	1	8		5	1	127	120
Auburn.....		10				159	155
Binghamton.....	1	13	1	15	29	386	369
Buffalo.....	18	125	2	82	363	4,757	4,743
Cohoes.....	1	11		4	15	267	224
Corning.....		3		1		32	29
Cortland.....	1	3		1		31	31
Dunkirk.....	1	3		7	15	56	50
Elmira.....		14		15	37	412	423
Fulton.....		1		1		3	3
Gloversville.....	1	8		1		85	85
Hornellsville.....		3				46	46
Hudson.....		3			5	78	81
Ithaca.....		11		5	5	190	188
Jamestown.....	3	9		12	30	155	164
Johnstown.....		1				19	19
Kingston.....		6		5	11	84	85
Little Falls.....	1	4		2	3	25	28
Lockport.....		10		7	3	173	172
Middletown.....		8		9	8	79	87
Mount Vernon.....		7		1	6	51	55
Newburgh.....		7		6	6	91	90
New York City.....	103	1,883	51	1,015	7,682	61,836	63,398
New Rochelle.....		5	1	7	29	339	368
Niagara Falls.....	3	4			15	64	79
North Tonawanda.....		3			10	40	50
Ogdensburg.....	1	5		6	7	50	56

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.191

Statistics of Factories Inspected: By Industries and Cities.

## AND PULP.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOES) WHO WORK—					
			14-16 years old.	Under 14.	Illiterate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
14	20	96					140	81		2	
7		3	1					9	22	7	
26	8	300	25			37	91	283		37	23
		3						18	6	5	
8	6	12					11	99	114	20	
1		2						3	17	1	
		4					6			4	
2		12						87	28	4	
2		2						87	87	2	
103	53	1,065	40	3	2	13	794	1,582	15	259	10
7		63					26	85	68	13	
		9	2	1			9	13		3	1
	6		1					6	150	5	1
9		50						144	54	12	
1		35				16	12	30		15	
3		8					8	83		6	
137	26	289	7	1			75	3,025	3,178	234	7
320	119	1,951	76	5	2	66	1,172	5,557	3,739	631	42

## PAPER GOODS.

84	66	595	11				1,567	99		31	3
1	14	12	7				45	79		16	1
	4	97	6				109	50		12	4
29	10	65	7			107	221	6		25	2
353	176	1,631	122	3		527	2,691	1,172		150	28
15	33	24	20				139	70		8	5
		5					8	21		1	
		11					31			1	
15	1	17	1				35			3	
37	23	106	10			58	151	177		23	2
		1				1		2		3	
	1	10	1				50	35		1	
		9									
5	5	25	3				3	43			
5	1	53	1				29	47		8	
30	11	35	5			2	50	133		4	
							130	2		8	
	4		4					19		1	
11	6	7	1				65	9		4	
3	1	2					25				
3	2	82	11				69	100		12	8
8	3	16					49	30		1	
6	2	3					49			3	
6	1	13	1				73	11		2	1
7,644	1,848	17,483	1,038	16	6	7,047	42,918	5,789		2,834	327
29	3	108	3			6	323	10		1	
15	2	4	1				64			5	1
10	6	22					40			3	
7	5	17	2	1		3	1	45		10	1

Table V—Continued.

## VII. PRINTING AND

CITY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
		Once.	More than once.		Office force.	Shops.	
Oswego.....	1	9		6	5	62	62
Poughkeepsie.....	1	13		7	10	186	185
Rensselaer.....	4	2		2		3	3
Rochester.....	3	77	5	53	176	2,758	2,768
Rome.....		5		1		49	46
Schenectady.....		10	3	9	21	221	238
Syracuse.....	2	39		37	89	1,035	1,106
Troy.....	4	33		18	43	676	648
Utica.....		19		12	32	329	353
Watervliet.....		2		1	1	4	5
Yonkers.....		4			5	45	49
Villages and towns.....	12	322	3	215	187	3,828	3,604
Total.....	163	2,751	70	1,597	8,936	80,831	82,018

## VIII

Albany.....	1	7		3	14	779	743
Amsterdam.....	8	18		1	57	5,987	5,999
Auburn.....		6			28	1,654	1,654
Binghamton.....		2		1	3	113	116
Buffalo.....	1	6	1	1	6	291	272
Cohoes.....	14	27		3	57	6,066	5,958
Elmira.....	1	5		5	15	1,567	1,539
Fulton.....		1			6	1,060	926
Gloversville.....	1	5		2	4	249	249
Hornellsville.....		4	1		9	974	931
Hudson.....		3			18	945	963
Jamestown.....	1	6		10	22	1,948	1,754
Kingston.....		2		1	1	164	165
Little Falls.....		10			15	2,190	2,082
Lockport.....	1	6		1	3	89	75
Newburgh.....	1	4		1	11	550	484
New York City.....	63	625	21	340	834	32,930	28,126
Ogdensburg.....	1	1			2	199	201
Oswego.....	2	8			10	920	888
Poughkeepsie.....	1	2			7	232	195
Rensselaer.....		1			8	238	246
Rochester.....		10	1	5	14	695	382
Rome.....		5			6	598	604
Schenectady.....		3			4	255	223
Syracuse.....		4		4	8	480	488
Troy.....	1	6			5	1,121	952
Utica.....	5	15	7	3	75	6,492	6,189
Watertown.....	1	1			1	9	10
Watervliet.....		1			7	345	352
Yonkers.....		2			3	66	69
Villages and towns.....	24	112	4	36	219	17,775	16,400
Total.....	126	908	35	417	1,472	80,981	79,235

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

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Statistics of Factories Inspected: By Industries and Cities.

## PAPER GOODS—Concluded.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
5	4	20					45	12		12	
10	12	41	18				174	1		13	8
176	87	945	61	1	1	3	2,178	329		3	21
	1	2					33	13			
21	2	33				1	204	12		10	
89	84	225	102			101	557	359		63	9
43	39	146	35	2		67	348	190		54	7
32	20	56	17	1		105	140	76		33	10
1							4				
5	7	11	3				44			7	
187	139	1,131	76	2		184	630	2,583	20	253	30
8,885	2,623	23,064	1,567	26	7	8,297	53,292	11,524	20	3,769	463

## TEXTILES.

14	9	497	8				39	690		6	
57	218	3,155	190				149	5,793		182	9
28	71	754	28				418	1,208		8	3
3		40	3					113		6	
6	22	161	17				67	199			3
57	304	3,256	179		1	1	33	5,867		51	8
15	52	1,215	53			12	10	1,502		19	5
6	43	477	23				23	897		3	1
4	6	131	15				5	240		6	2
9	3	728	8					222		14	4
18	39	505	56				890	555		14	
22	178	909	322				1124	608		13	1
1	8	94	27				108	56		7	16
15	24	1,112	56				56	2,011		9	
3	1	34	1					72		7	
11	51	326	40	6		23	11	439		4	1
820	661	16,371	831	3	2	1,023	15,776	10,507		1,194	150
2	12	158	22	2				199		10	10
10	56	602	53			2	13	863		26	6
7	2	101	1					188		1	
8	13	89	4					238		4	2
14	18	233	20	1			32	336		25	4
6	3	432	42				42	556			
4	2	133	2				8	211		4	1
8	6	382	29		2		116	364		18	
5	19	619	20			10		937		20	4
75	271	3,602	386				329	5,785		23	47
1		6						9		1	
7	34	101	22				22	323		2	
8	1	59	7				66			7	2
216	502	8,055	489	2		157	1,569	14,458		296	41
1,455	2,636	44,336	2,954	14		1,228	20,406	56,146		1,997	320

Table V—Continued.

## IX. CLOTHING, MILLINERY,

CITY.	Closed, burned removed, etc.	FACORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER  Total.
		Once.	More than once.		Office force.	Shops.	
Albany.....	31	182	3	138	50	3,184	2,659
Amsterdam.....	2	14		12	1	97	64
Auburn.....	1	14		3		298	276
Binghamton.....	1	21		22	18	701	646
Buffalo.....	82	372	15	284	85	4,658	4,306
Cohoes.....	9	19		26	1	51	35
Corning.....		10	1	8	2	38	40
Cortland.....		10			1	66	58
Dunkirk.....		4		4	7	124	103
Elmira.....	2	15		16	8	186	178
Fulton.....	2	2		2		9	7
Gloversville.....		7		2		61	55
Hornellsville.....		19	1	3	2	190	174
Hudson.....	3	13		12		54	17
Ithaca.....	1	36		17	10	234	220
Jamestown.....	4	19		18	4	168	104
Johnstown.....		2				78	66
Kingston.....		12		6	2	437	391
Little Falls.....	1	6		3		22	22
Lockport.....	3	21		23	4	207	205
Middletown.....	1	4		2	5	349	343
Mt. Vernon.....		13		8		150	137
Newburgh.....		9		3	30	1,637	1,612
New York City.....	1,455	8,779	570	6,592	5,366	202,977	171,444
New Rochelle.....	1	7	2	11	2	52	54
Niagara Falls.....	1	8		5	6	92	98
No. Tonawanda.....		3			2	54	56
Ogdensburg.....	5	14		12	1	214	100
Oswego.....	6	18		17		45	42
Poughkeepsie.....	1	22		11	20	1,170	1,101
Rensselaer.....		2		2		8	8
Rochester.....	93	512	33	388	219	9,334	9,311
Rome.....	1	10		10		30	30
Schenectady.....	2	58	11	60	14	524	502
Syracuse.....	3	54	1	40	58	2,105	1,840
Tonawanda.....		1				6	6
Troy.....	31	133	1	77	173	16,277	13,328
Utica.....	1	50	1	31	29	1,518	1,441
Watertown.....	1	4		4		13	11
Watervliet.....		3		1	9	258	259
Yonkers.....		30	1	22	26	2,245	2,261
Villages and towns.....	47	416	7	323	110	10,020	8,885
Total.....	1,792	10,948	647	8,218	6,265	259,936	222,495

## X. FOOD, TOBACCO

Albany.....	20	186	4	154	86	1,662	1,510
Amsterdam.....	1	23		17	3	113	104
Auburn.....	2	25			4	331	163
Binghamton.....	3	50	1	43	67	2,579	2,579
Buffalo.....	40	356	15	218	199	5,709	5,498
Cohoes.....	7	23		14	4	86	76
Corning.....	1	20		8	2	79	74
Cortland.....	1	14		1		67	67

Statistics of Factories Inspected: By Industries and Cities.

## LAUNDRY, ETC.

OF EMPLOYERS AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				ORDERS.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
50	22	2,038	43			3	352	2,252	2	95	7
1		16				4	14	42	3	16	
		222	1	2				276		17	
18	1	491	2			118	17	493		27	1
85	49	2,966	106	1		194	2,699	1,326	2	344	40
1		17	1			18	10	6		6	
2		18						38		7	
1		36						57		18	
7	1	81					1	94	1	6	
8	2	128	2		1	4	115	51		20	
		5				2		5		7	
		28						54	1	4	
2		137						172		10	
		9					5	9	3	8	
10		127				8	33	169		21	
4	1	35	1			1	22	77		25	1
		54	2					66		1	
2	6	306	17				101	288		16	1
		13						22		2	
4	3	150	2				13	187	1	9	
5	16	173	3					112		1	
		112		1		38	44	55		15	7
30	23	932	7			6	1,556	20		7	
5,343	1,305	4,081	2,181	35	71	11,793	103,114	49,345	1,849	16,082	956
2		20				20	10		22	14	
6		59					1	91		8	
2	1	45	10			45	5	4		1	
1		81	4	1			74	25		24	3
		27				5	3	34		32	
20	17	845	23			5	774	302		21	2
		6					5	3		7	
219	140	5,113	337	8		52	7,461	1,579		576	100
		14				6	7	15	2		
14	7	359	4			223	77	164	24	30	
53	5	1,372	35	2		18	1,366	398		147	12
		4						6		1	
173	162	10,275	182	2	1	172	7,997	5,281	5	238	22
28	7	723	28			7	52	1,353	1	27	12
	1	10	1				1	10		5	
9	3	201	9				9	241		1	
26	6	443	94			14	380	1,832	9	40	
110	140	6,217	99	1		36	1,614	7,060	65	468	22
6,241	1,918	37,989	3,201	53	73	12,792	127,744	73,728	1,990	18,404	1,187

## AND LIQUORS.

85	29	282	24			349	443	633		95	11
3	4		1			30	27	40	4	24	
4	2	9	2			20	46	93		34	1
67	25	1,608	43		1	412	429	1,642	29	78	7
199	177	1,258	84	2		583	865	3,685	166	418	45
4	4		4			25	3	44		6	3
2	1	17	1			11	1	60		12	1
		7				22		45		14	



able V—Continued.

## X. FOOD, TOBACCO AND

CITY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER Total.
		Once.	More than once.		Office force.	Shops.	
Dunkirk.....	3	14		14	5	123	91
Elmira.....	5	38	1	39	27	695	378
Fulton.....	5	10		6	8	476	396
Gloversville.....	1	14		8		95	92
Hornellsville.....		14		3	2	57	54
Hudson.....		23		13	7	156	139
Ithaca.....	1	27		21	8	346	290
Jamestown.....	2	16		14	5	118	102
Kingston.....	3	28		11	16	1,732	1,065
Little Falls.....	1	13		3	4	36	40
Lockport.....	2	18		9	8	107	108
Middletown.....	1	10		5	3	127	119
Mt. Vernon.....		17		8	9	99	103
Newburgh.....	1	18	1	9		71	71
New York City.....	353	3,608	158	2,413	3,070	66,220	61,300
New Rochelle.....	6	9	1	5	6	56	59
Niagara Falls.....	1	8		4	6	54	60
North Tonawanda.....		4			5	19	24
Ogdensburg.....	10	21		16	12	171	179
Olean.....		2			4	14	18
Oswego.....	18	29		12	13	567	535
Poughkeepsie.....	5	29		9	9	626	375
Rensselaer.....	2	9		7		22	20
Rochester.....	22	194	9	119	177	3,913	3,581
Rome.....		29		16	2	114	112
Schenectady.....	2	45	25	67	13	280	275
Syracuse.....	32	93	2	72	155	1,335	1,490
Tonawanda.....		2				20	11
Troy.....	25	96		40	27	713	649
Utica.....	7	76		45	16	491	464
Watertown.....	5	7		2	3	74	68
Watervliet.....		5		4		11	11
Yonkers.....		21		6	10	991	992
Villages and towns.....	172	1,097	3	674	257	12,439	9,690
Total.....	760	6,341	220	4,129	4,252	102,994	93,024

## XI. LIGHT

Albany.....		8			2	142	126
Amsterdam.....	1	2				9	9
Auburn.....		3				33	33
Binghamton.....		4			5	53	56
Buffalo.....	1	3			3	208	209
Cohoes.....	1	3				17	13
Corning.....		3				11	11
Cortland.....		1				5	5
Dunkirk.....	1	3			3	23	22
Elmira.....		2			2	64	66
Gloversville.....		2				8	8
Hornellsville.....		2				10	10

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

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Statistics of Factories Inspected: By Industries and Cities.

## LIQUORS—Concluded.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
5	4	21				12	31	43		15	
27	8	75	1	1		86	52	213		46	
8	25	177	6			13		375		23	6
	2		2			31		58	3	7	
2		5				14	18	22		5	
7	3					10		122		38	
8	1	24				79		193		15	
5	5		2			32	46	19		21	1
16	11	727	24			32	808	209		28	
4						9		27		1	
8	2	14				14	10	76		10	
3	3	27				17	77	22		2	
9							20	70	4	23	
	2							71		5	
2,978	439	21,030	467	4		11,456	20,123	25,334	1,409	6,663	135
6						12	3	38		9	
6	3	1				6	20	28		12	
5								6	13	2	
12	10	18	4	1		28	36	89	14	49	2
4								14			
13	14	283	18	1		12	44	464	2	66	6
9	20	132	23			47	64	249	6	30	
		1						20		13	
177	63	1,586	72	3	2	182	880	2,335	7	256	24
2	4	5	2			71	6	33		13	1
12	10	34	3	1		45	10	207	1	101	1
155	25	386	22			206	432	692	5	250	9
								11		5	
27	28	17	17	1		167	37	418		143	9
16	8	56	6			109	70	269		25	
3		9				13		52		6	
	2					2		9		4	
10	6	2	4			8		114	860	35	
257	273	2,975	236	55		1,009	1,126	6,795	503	1,277	78
4,158	1,213	30,786	1,068	70	3	15,174	25,727	44,939	3,026	9,879	340

## AND POWER.

2						18	72	30	4	4	
									9	2	
							15		18	2	
5							15		38	4	
3								206		3	
							3	5	5	3	
									11		
									5		
3						10		9		3	
2								60	4	1	
									8		
								4	6		

Table V—Continued.

## XI. LIGHT AND

CITY.	Closed, burned, removed, etc.	Factories Inspected.		Number owners at work.	Largest Number of Employees in the Year.		Number Total.
		Once.	More than once.		Office force.	Shops.	
Hudson.....		2				9	9
Ithaca.....		3				18	16
Jamestown.....		3				27	26
Kingston.....		3				25	20
Little Falls.....		3				10	10
Lockport.....		1				9	9
Middletown.....		4			2	13	15
Newburgh.....		5			2	42	44
New York City.....	2	122	2	4	229	4,714	4,593
New Rochelle.....		2			4	22	26
Niagara Falls.....		1				5	5
Ogdensburg.....		3				17	17
Oswego.....		4				17	17
Poughkeepsie.....		2				16	16
Rensselaer.....		2				10	10
Rochester.....	1	8			3	302	305
Rome.....		1				12	12
Schenectady.....		1	1		2	29	31
Syracuse.....		3			4	148	152
Troy.....	1	6			4	94	98
Utica.....		2	1		4	36	40
Watertown.....		1				20	20
Watervliet.....		2			1	8	9
Villages and towns.....	17	134		3	14	608	596
Total.....	25	354	4	7	284	6,794	6,666

## XII. BUILDING

Albany.....	3	13		4		501	457
Amsterdam.....		3		2		47	47
Auburn.....		2				16	16
Binghamton.....		4		6	6	44	43
Buffalo.....	2	22		10	13	325	316
Cohoes.....	1	9		4	16	112	88
Corning.....		1				7	5
Dunkirk.....	1	2		3		10	8
Elmira.....	1	5		6	7	77	47
Hornellsville.....		1				6	6
Ithaca.....		1	1		1	28	26
Jamestown.....	1	2		1		21	10
New York City.....	45	309	2	166	286	3,979	2,739
Rochester.....	1	22	1	13	35	434	401
Schenectady.....		2	3	3	5	121	121
Syracuse.....		2			8	35	43
Troy.....	2	13		4	1	72	50
Utica.....		2		1		12	6
Yonkers.....		2			4	12	12
Villages and towns.....	2	20		12	13	287	292
Total.....	59	437	7	235	395	6,146	4,733

Statistics of Factories Inspected: By Industries and Cities.

## POWER—Continued.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certificate ordered discharged.
In office, etc.	Males under 18 years (shops).	Fe-males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit-erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
							6		3	1	
						4			12		
							10	7	9	4	
									20	4	
									10		
									9	1	
									10		
2							13	3	24		
2							5				
229						399	1,238	1,361	1,366	129	
4						12	10				
							5			1	
									17	5	
							3	4	10		
									16	4	
									10		
3						59	136	5	102	3	
										11	
									12		
2							9		20		
4									23		
4						25	39	125	22	1	
								8		3	
4							20		36	3	
										3	
1								3	5		
13		2		1		8	81	164	330	98	
283		2		1		535	1,675	1,999	2,174	293	

## INDUSTRY.

.....	.....	.....	.....	.....	.....	410	47	.....	.....	4	.....
.....	.....	.....	.....	.....	.....	16	47	.....	.....	2	.....
6	1	.....	.....	.....	.....	.....	37	.....	.....	6	.....
13	4	22	1	1	.....	220	10	73	.....	30	.....
16	2	.....	.....	.....	.....	16	41	15	.....	8	.....
.....	.....	.....	.....	.....	.....	.....	.....	5	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	3	.....	.....	.....
7	.....	.....	.....	.....	.....	40	.....	.....	.....	4	.....
.....	.....	.....	.....	.....	.....	.....	6	.....	.....	2	.....
1	.....	.....	.....	.....	.....	.....	20	5	.....	2	.....
.....	.....	.....	.....	.....	.....	.....	10	.....	.....	2	.....
273	21	19	6	.....	.....	1,576	639	251	.....	298	3
35	.....	3	.....	.....	.....	355	8	3	.....	20	.....
5	.....	.....	.....	.....	.....	110	6	.....	.....	5	.....
8	.....	.....	.....	.....	.....	.....	.....	35	.....	3	.....
1	.....	.....	.....	.....	.....	36	4	9	.....	9	.....
.....	.....	.....	.....	.....	.....	6	.....	.....	.....	.....	.....
4	.....	.....	.....	.....	.....	8	.....	.....	.....	5	.....
13	.....	.....	.....	.....	.....	22	153	104	.....	15	.....
382	28	44	7	1	.....	2,815	1,033	503	.....	418	3

Table V—Concluded.

## XIII. WARE

CITY.	Closed, burned, removed, etc.	FACTORIES INSPECTED.		Number owners at work.	LARGEST NUMBER OF EMPLOYEES IN THE YEAR.		NUMBER  Total.
		Once.	More than once.		Office force.	Shops.	
Albany.....	.....	1	.....	.....	.....	11	11
Buffalo.....	.....	1	.....	.....	.....	4	4
New York City.....	.....	8	.....	5	19	67	75
Rochester.....	.....	1	.....	.....	1	50	33
Troy.....	.....	1	.....	.....	2	22	24
Villages and towns.....	.....	1	.....	.....	.....	5	5
Total.....	.....	13	.....	5	22	159	153

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

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Statistics of Factories Inspected: By Industries and Cities.

## HOUSING.

OF EMPLOYEES AT TIME OF INSPECTION.						WEEKLY HOURS OF LABOR.				Orders.	Number children without certifi- cate ordered dis- charged.
In office, etc.	Males under 18 years (shops).	Fe- males (shops).	CHILDREN.			NUMBER OF EMPLOYEES (IN SHOPS) WHO WORK—					
			14-16 years old.	Under 14.	Illit- erate.	51 hours or less.	52-57 hours.	58-63 hours.	Over 63 hours.		
.....	.....	.....	.....	.....	.....	.....	.....	11	.....	.....	.....
19	.....	.....	.....	.....	.....	9	4 3	29	15	12	.....
1	.....	.....	.....	.....	.....	.....	.....	32	.....	2	.....
2	.....	.....	.....	.....	.....	.....	.....	22	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	5	.....	1	.....
22	.....	.....	.....	.....	.....	9	7	99	15	15	.....

TABLE VI. ORDERS AND COM

[NOTE.—Compliances are printed in *italic* figures. Orders

ORDERS. [With reference to section of Labor Law violated.]	I. Stone and clay products.	II. Metals, machinery, etc.	III. Wood manu- factures.	IV. Leather and rubber goods.
<b>I. ADMINISTRATION.</b>				
Post law (§105).....	324	2,079	1,019	928
	<i>324</i>	<i>2,079</i>	<i>1,019</i>	<i>928</i>
Post schedule of hours (§77).....	66	511	255	520
	<i>66</i>	<i>511</i>	<i>255</i>	<i>520</i>
Obtain and post permit changing period of noonday meal (§89).....	59	351	141	91
	<i>59</i>	<i>351</i>	<i>141</i>	<i>91</i>
Keep register of children employed (§76).....	3	13	20	11
	<i>3</i>	<i>13</i>	<i>20</i>	<i>11</i>
Report intention of operating mill overtime (§78).....				
Keep record of overtime (§78).....				
Report accidents (§87).....	8	67	42	7
	<i>8</i>	<i>67</i>	<i>42</i>	<i>7</i>
Total I.....	460	3,021	1,477	1,557
	<i>460</i>	<i>3,021</i>	<i>1,477</i>	<i>1,557</i>
<b>II. SANITATION AND SAFETY.</b>				
<b>1. Lighting:</b>				
Properly light workrooms (§81).....				1
				<i>1</i>
Properly light halls, stairs or water-closets (§81).....	12	94	48	120
	<i>10</i>	<i>82</i>	<i>40</i>	<i>117</i>
<b>2. Ventilation and overcrowding:</b>				
Provide 250 cubic feet of air-space for each employee between 6 a. m. and 6 p. m. (§85).....				1
				<i>1</i>
Provide 400 cubic feet of air-space for each employee between 6 p. m. and 6 a. m. (§85).....				
Provide proper and sufficient means of ventilation (§86).....		7	1	
		<i>7</i>	<i>1</i>	
Time allowed for meals:				
Allow 60 minutes for noonday meal (§89).....		1		
		<i>1</i>		
Allow 20 minutes for lunch at 6 p. m. (§89).....				
Cleanliness and sanitary conveniences.....	82	492	250	526
	<i>66</i>	<i>431</i>	<i>209</i>	<i>489</i>
Walls or ceilings ordered limewashed (§84).....	3	49	13	33
	<i>3</i>	<i>45</i>	<i>10</i>	<i>32</i>
Walls, ceilings or woodwork ordered painted or papered (§84).....	1	7	2	19
	<i>1</i>	<i>6</i>	<i>2</i>	<i>13</i>
Walls or ceilings ordered repaired (§84).....	4	6	6	15
	<i>4</i>	<i>5</i>	<i>5</i>	<i>15</i>
Clean workrooms, halls, stairs or yard (§82, 100).....	2	22	8	51
		<i>18</i>	<i>6</i>	<i>46</i>
Clean or repair windows or doors, or provide new partitions (§82).....	3	4	2	1
	<i>3</i>	<i>3</i>	<i>2</i>	<i>1</i>
Provide box for rubbish (§84).....				1
				<i>1</i>
Provide additional water-closets or separate water-closets for sexes (§88).....	20	76	41	96
	<i>13</i>	<i>63</i>	<i>36</i>	<i>86</i>
Clean, disinfect or flush water-closets (§88).....	15	108	66	120
	<i>15</i>	<i>97</i>	<i>67</i>	<i>112</i>
Screen water-closets or dressing rooms (§88).....	1	17	3	4
	<i>1</i>	<i>15</i>	<i>3</i>	<i>3</i>
Repair water-closets (§88).....	17	90	53	62
	<i>13</i>	<i>81</i>	<i>42</i>	<i>60</i>
Ventilate water-closets (§88).....	1	6	4	1
	<i>1</i>	<i>5</i>	<i>2</i>	<i>1</i>
Whitewash or paint water-closets (§88).....	6	13	9	20
	<i>5</i>	<i>13</i>	<i>9</i>	<i>20</i>
Provide inside water-closets (§88).....	2	14	9	2
	<i>2</i>	<i>6</i>	<i>5</i>	<i>2</i>
Provide separate approaches to water-closets (§88).....		2	1	2
		<i>2</i>	<i>1</i>	<i>2</i>

**PLIANCES: (a) NEW YORK STATE.**

suspended or rescinded are not included.]

V. Chemicals, oils and explosives.	VI. Paper and pulp.	VII. Printing and paper goods.	VIII. Textiles.	IX. Clothing, millinery, etc.	X. Food, tobacco and liquors.	XI. Water, gas and elec- tricity.	XII. Building in- dustry.	XIII. Ware- housing, etc.	Total.
373	164	1,197	449	6,097	2,902	150	257	12	15,951
373	164	1,197	449	6,097	2,902	150	257	12	15,951
141	75	609	361	3,816	437	1	11	2	6,805
141	75	609	361	3,816	437	1	11	2	6,805
64	13	217	83	268	66	4	15	1	1,373
64	13	217	83	268	66	4	15	1	1,373
7	1	27	22	70	18	1			193
7	1	24	22	67	16	1			184
					1				1
					1				1
16	9	23	7	10	23	5	4	1	216
9	8	22	7	9	19	5	3		189
595	263	2,073	922	10,261	3,447	161	287	16	24,539
594	261	2,069	922	10,257	3,441	161	286	16	24,503
	1		1	7	2				12
			1	6					7
8	6	65	42	505	35	1	5		941
8	6	63	36	440	27	1	6		834
				20	2				23
				19	2				22
1		4	2	7	6				28
1		2	2	4	6				22
1			1	1					4
1				1					5
					1				1
					1				1
61	77	383	247	4,132	552	20	32	1	6,855
68	63	346	233	3,398	468	14	30	1	6,795
4	5	47	14	353	62	1	1		585
5	4	38	13	282	66	1	1		487
	4	9	1	219	22				285
	4	7		179	17				230
2	1	12	4	91	32				173
2	1	11	4	80	20				167
	6	28	7	403	50				574
	6	26	7	346	46				499
1	2	4	3	49	6	1			76
1	1	4	3	41	6	1			68
				7					7
				6					8
19	7	46	36	438	75	14	6		874
17	6	48	33	344	66	9	5		709
11	15	77	37	887	114		10		1,460
11	12	70	36	761	89		10		1,260
	1	4	8	32	7				67
	1	3	7	27	6				77
13	16	46	29	628	84	3	7	1	1,049
13	14	43	29	611	71	3			888
		1	1	4	4				25
		3	1	4	4				21
4	1	32	18	150	19		1		283
4	1	30	18	128	17		1		266
	2	1	2	15	9		2		50
	1	1	2	7	6		1		32
1		3	3	25	3				35
1		3	3	23	3				40
									33



Table VI.—Orders and Compliances—Continued.

[NOTE.—Compliances are printed in *italic figures*. Orders

ORDERS. [With reference to section of Labor Law violated.]	I. Stone and clay products.	II. Metals, machinery, etc.	III. Wood manu- factures.	IV. Leather and rubber goods.
II. SANITATION AND SAFETY—Continued.				
4. Cleanliness and sanitary conveniences—Continued.				
Keep water-closets unlocked or provide keys (§88).....		2 <i>3</i>	1 <i>1</i>	10 <i>9</i>
Clear passageway to water-closets (§88).....		1 <i>1</i>		
Remove obscene writing from water-closets (§88).....		6 <i>9</i>	3 <i>3</i>	3 <i>3</i>
Provide signs on water-closets (§88).....		7 <i>7</i>	2 <i>2</i>	19 <i>19</i>
Remove old water-closets from halls, basement or yard (§88)...				
Provide dressing-room (§88).....		5 <i>5</i>		4 <i>4</i>
Provide running water in workrooms or closets (§88).....	6 <i>5</i>	47 <i>44</i>	25 <i>21</i>	48 <i>46</i>
Repair sink or plumbing in workrooms (§88).....	1	10 <i>9</i>	2 <i>2</i>	3 <i>3</i>
Provide drainage for yard (§62).....				
Clean tank on roof (§88).....				1 <i>1</i>
Clean and cover tank for drinking water (§88).....				1 <i>1</i>
Heat workrooms (§62).....				1 <i>1</i>
5. Dangerous machinery.....	162 <i>145</i>	1,322 <i>1,103</i>	881 <i>736</i>	222 <i>204</i>
Encase or box belting (§81).....	27 <i>26</i>	148 <i>136</i>	107 <i>98</i>	36 <i>33</i>
Countersink protruding set screws (§81).....	40 <i>37</i>	342 <i>297</i>	493 <i>166</i>	64 <i>59</i>
Guard shafting (§81).....	4 <i>4</i>	26 <i>24</i>	24 <i>21</i>	28 <i>22</i>
Guard gearing (§81).....	16 <i>15</i>	132 <i>119</i>	80 <i>69</i>	19 <i>19</i>
Guard pulleys and fly wheels (§81).....	24 <i>20</i>	126 <i>108</i>	75 <i>66</i>	16 <i>16</i>
Provide belt shifters and loose pulleys (§81).....		12 <i>9</i>	32 <i>27</i>	9 <i>9</i>
Provide guards for vats, pans, etc. (§81).....	4 <i>3</i>	1 <i>1</i>	2 <i>1</i>	1 <i>1</i>
Provide guards for saws and planers (§81).....	2 <i>1</i>	92 <i>76</i>	128 <i>96</i>	2 <i>3</i>
Provide guards for other machinery (§81).....	7 <i>7</i>	103 <i>89</i>	22 <i>21</i>	12 <i>11</i>
Provide or repair exhaust fans (§81).....	2 <i>2</i>	203 <i>139</i>	58 <i>45</i>	10 <i>8</i>
Provide steam or water gauge for boilers (§81).....		1 <i>1</i>		1 <i>1</i>
Provide steam gauge for engine room (§81).....	3 <i>2</i>	5 <i>3</i>	14 <i>10</i>	2 <i>2</i>
Have boiler inspected (§91).....	23 <i>19</i>	91 <i>71</i>	106 <i>84</i>	14 <i>13</i>
Have boiler repaired (§91).....				
File certificate of boiler inspection (§91).....	10 <i>9</i>	39 <i>29</i>	38 <i>30</i>	7 <i>7</i>
Provide signal to engine room (§91).....		1 <i>1</i>	2 <i>1</i>	
Provide an outside entrance to engine room.....				
Arrange machinery so as to stop vibration therefrom (§81)...				
6. Elevators, hoistways, etc. (§79).....	16 <i>15</i>	134 <i>112</i>	93 <i>79</i>	23 <i>27</i>
Provide automatic or other doors or gates for elevators.....		15 <i>10</i>	11 <i>4</i>	6 <i>5</i>
Attach automatic trap doors to elevators.....		1 <i>1</i>	1 <i>1</i>	

## REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.205

**(a) New York State.**

suspended or rescinded are not included.]

V. Chemicals, oils and explosives.	VI. Paper and pulp.	VII. Printing and paper goods.	VIII. Textiles.	IX. Clothing, millinery, etc.	X. Food, tobacco and liquors.	XI. Water, gas and electricity.	XII. Building in- dustry.	XIII. Ware- housing, etc.	Total.
	2	4	5	50	5				79
	1	4	4	38					64
		1		1	1				4
		1		1	1				4
1		2	2	43	1				61
1		8	8	38	1				59
2	4	12	26	146	10				228
8	4	11	24	117	8				194
				7	1				8
1	1	15	18	63	21				128
1		19	16	53	20				118
2	5	30	30	462	13			4	672
8	4	29	27	376	12			4	670
	2	5	3	46	11			1	84
	1	4	3	37	5			1	65
	1	1		1	1				4
	1	1		1	1				4
				4					4
					1				4
				2	1				4
				8	1				8
	1			6					8
	1			6					8
144	183	421	248	515	741	87	67	2	4,995
138	147	380	236	480	637	74	59		4,876
25	52	37	32	73	135	25	9		706
24	34	33	31	55	118	18	7		611
56	32	224	72	97	175	9	19	1	1,324
54	30	203	71	84	156	8	19		1,184
4	9	3	52	133	19	2	1		305
4	9	3	47	117	14	2	1		268
13	26	21	23	20	82	6	7		445
18	22	19	21	15	67	5	4		337
12	25	47	28	32	78	14	7		484
11	22	44	28	27	73	12	4		431
	3	4		4	5	1			74
4	2	4		1	5				61
1	1	4		1	1				12
1	1		1		1				10
2	9	2		1	6				254
8	5	8		1	6			9	205
9	18	41	26	48	33	7	4		330
9	16	39	26	43	32	7	4		304
	1	4		1	1		2		282
	1	3		1	1		2		200
									2
									2
1	1	1	2	1	5	1			36
1		1	1	1	5	1			27
14	4	30	8	92	158	14	9	1	564
13	3	28	6	67	120	14	7		439
				1	1				2
					1				1
3	2	7	4	11	41	8			170
3	2	7	4	7	39	7			144
				1					4
									3
					1				1
					1				1
28	19	68	25	76	92	4	8		596
27	19	68	24	60	85	4	8		518
4		9	1	4	6	1			58
4		7	1	3	6	1	1		48
									2
									1

Table VI.—Orders and Compliances—Continued.

[NOTE.—Compliances are printed in *italic* figures. Orders

ORDERS. [With reference to section of Labor Law violated.]	I.* Stone and clay products.	II. Metals, machinery, etc.	III. Wood manu- factures.	IV. Leather and rubber goods.
II. SANITATION AND SAFETY—Continued.				
6. Elevators, hoistways, etc.—Continued.				
Provide guard rails at elevator or hoistway openings.....	12 <i>12</i>	63 <i>60</i>	47 <i>44</i>	16 <i>15</i>
Provide passageway around elevator shaft.....	1 <i>1</i>	5 <i>1</i>	.....	4 <i>4</i>
Repair automatic or other doors of elevator.....	2 <i>2</i>	27 <i>21</i>	19 <i>17</i>	4 <i>4</i>
Lock elevator doors so that they can be opened only from elevator.....	1 <i>1</i>	12 <i>9</i>	10 <i>9</i>	.....
Provide new ropes or cables.....	.....	3 <i>2</i>	1 <i>1</i>	.....
Provide safety attachments for elevator doors.....	.....	2 <i>2</i>	1 <i>1</i>	1 <i>1</i>
Provide signal to call elevator.....	.....	3 <i>3</i>	3 <i>3</i>	1 <i>1</i>
Provide light on elevators.....	.....	.....	.....	.....
Repair elevator or elevator machinery.....	.....	3 <i>3</i>	.....	1 <i>1</i>
Employ person to take charge of elevator.....	.....	.....	.....	.....
7. Protection from fire.....	35 <i>30</i>	312 <i>276</i>	253 <i>218</i>	125 <i>110</i>
Erect fire-escapes with balconies on each floor (§82).....	2 <i>2</i>	12 <i>9</i>	13 <i>9</i>	14 <i>8</i>
Extend balconies to embrace two windows (§82).....	.....	.....	.....	.....
Provide or repair shutters to fire-escape (§82).....	.....	3 <i>3</i>	.....	.....
Provide iron floor for fire-escape (§82).....	.....	.....	1 <i>1</i>	.....
Paint or repair fire-escape (§82).....	.....	4 <i>4</i>	2 <i>2</i>	.....
Provide ladders or stairways to roof (§82).....	1 <i>1</i>	13 <i>13</i>	14 <i>13</i>	8 <i>8</i>
Provide iron ladder from cellar to sidewalk (§62).....	.....	.....	.....	.....
Connect balconies by inclined stairways and provide drop ladders to ground (§82).....	.....	3 <i>3</i>	2 <i>2</i>	5 <i>5</i>
Remove obstructions from exits or fire-escapes (§82).....	2 <i>1</i>	38 <i>32</i>	24 <i>23</i>	26 <i>22</i>
Provide exits other than stairway (§82).....	.....	.....	.....	1 <i>1</i>
Erect additional stairways (§62).....	1 <i>1</i>	.....	1 <i>1</i>	.....
Display fire-escape signs.....	.....	.....	.....	.....
Keep doors unlocked during working hours (§80).....	.....	16 <i>16</i>	5 <i>5</i>	18 <i>17</i>
Provide rubber or new treads on stairs (§80).....	6 <i>6</i>	26 <i>25</i>	11 <i>9</i>	2 <i>1</i>
Provide handrails on stairways (§80).....	23 <i>23</i>	191 <i>168</i>	176 <i>150</i>	49 <i>46</i>
Provide screens for stairways (§80).....	.....	6 <i>6</i>	4 <i>4</i>	2 <i>2</i>
Construct doors to open outwardly (§80).....	.....	.....	.....	.....
Make doors to elevators or stairways fireproof (§62).....	.....	.....	.....	.....
Keep fire pails filled with water (§62).....	.....	.....	.....	.....
8. Unsafe buildings.....	9 <i>8</i>	24 <i>20</i>	25 <i>23</i>	5 <i>5</i>
Comply with municipal ordinance (§62).....	.....	.....	3 <i>3</i>	.....

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.207

(a) New York State.

suspended or rescinded are not included.]

V. Chemicals, oils and explosives.	VI. Paper and pulp.	VII. Printing and paper goods.	VIII. Textiles.	IX. Clothing, millinery, etc.	X. Food, tobacco and liquors.	XI. Water, gas and elec- tricity.	XII. Building in- dustry.	XIII. Ware- housing, etc.	Total.
16	14	23	16	35	44	2	3		291
15	14	19	18	28	41	2	3		269
	1	5		9	3				28
	1	5		2	2				9
6	2	7	5	4	19	1	2		98
6	2	6	4	4	17	1	2		86
1	2	11	1	9	10		2		59
1	2	11	1	8	10		2		64
		5			5				14
		4			5				12
		1	1	3	3				12
		1	1	3	2				11
		3		3					13
		3		3					13
		1		1					2
		1		1					2
		1		1					2
1		3	1	8	2				19
1		3	1	8	2				19
56	42	156	112	484	612	10	33		2,231
53	37	129	103	404	608	10	31	1	1,907
2	2	16	8	29	9				107
2	2	5	7	15	3				60
		1			1				2
		1							1
		2	2	3	1				11
		2	2	3	1				11
				1					2
		1	1	1	1				10
		1	1	1	1				6
2		2	5	41	5				91
2		1	5	34	4				79
		1	2	7	3				23
		1	2	3	2				18
		1	1						333
6	11	49	18	122	36	1			296
6	11	46	16	108	32	1			296
			1	1	1				3
		1		2	1				3
				1					3
1					1				2
1					1				2
2		14	13	61	12				141
2		14	12	58	8				132
2	2	23	11	26	67		3		179
1	2	19	10	26	49		2		148
39	23	43	47	164	468	9	29	1	1,262
37	19	36	44	140	399	9	28	1	1,100
2	2	2	1	14	7		1		41
2	2	2	1	8	5				33
	1	1	3	12			1		17
	1	1	2	9					13
				1					1
				1					1
7	7	27	14	112	40	2	4		276
1	5	24	13	102	32	2	3		244
				13	1				17
				11	1				15

Table VI.—Orders and Compliances—Continued.

(NOTE.—Compliances are printed in *italic* figures. Orders

ORDERS. [With reference to section of Labor Law violated.]	I. Stone and clay products.	II. Metals, machinery, etc.	III. Wood manu- factures.	IV. Leather and rubber goods.
<b>II. SANITATION AND SAFETY—Continued.</b>				
8. Unsafe buildings—Continued.				
Repair flooring, roof or brickwork (§62).....	4	15	10	4
.....	4	15	8	4
Repair gas or steam fittings (§62).....	.....	1	.....	.....
[Cover gratings or other openings (§62).....	2	1	5	.....
Make repairs or improvements in factory buildings outside	1	1	5	.....
New York City (§90).....	3	7	7	1
.....	3	3	7	1
Total II.....	316 <i>274</i>	2,286 <i>2,031</i>	1,551 <i>1,306</i>	1,033 <i>864</i>
<b>III. CHILDREN.</b>				
Discharge children under 14 years of age (§70).....	6	14	14	14
.....	6	14	14	13
Discharge illiterate children under 16 (§73).....	.....	7	2	3
.....	62	317	157	149
Discharge children under 16 without certificates (§70).....	62	316	157	149
File certificates of children under 16 (§§70-73).....	1	2	1	2
.....	1	2	1	1
Cease employing children under 16 on dangerous machinery (§81)	.....	2	3	1
.....	.....	2	3	1
Cease employing children under 16 on elevator (§79).....	.....	.....	.....	.....
Keep unemployed children out of factory.....	.....	.....	.....	.....
Cease employing children under 16 more than 9 hours per day	21	244	151	149
(§77).....	21	221	142	143
Total III.....	90 <i>80</i>	586 <i>562</i>	328 <i>319</i>	318 <i>311</i>
<b>IV. WOMEN AND MINORS.</b>				
Cease employing males under 18 and women more than 60 hours	.....	1	2	.....
per week (§77).....	.....	1	2	.....
Cease employing males under 18 and women at night (between	8	2	1	.....
9 P. M. and 6 A. M.) (§77).....	7	2	1	.....
Cease employing males under 18 and women at polishing or	.....	14	1	.....
buffing (§92).....	.....	13	1	.....
Cease employing minors under 18 to take care of or operate an	.....	1	.....	.....
elevator running faster than 200 feet per minute (§79).....	.....	.....	.....	.....
Cease allowing males under 18 or females under 21 to clean	.....	.....	.....	.....
machinery while in motion (§81).....	.....	.....	.....	.....
Provide seats for female employees (§17).....	4	3	2	.....
.....	.....	3	2	.....
Permit use of seats to female employees (§17).....	.....	.....	.....	.....
Total IV.....	12 <i>7</i>	21 <i>18</i>	6 <i>6</i>	.....
<b>V. LAUNDRIES (Special provisions of §92):</b>				
Cease using workrooms for sleeping or living purposes.....	.....	.....	.....	.....
Keep workroom in clean condition.....	.....	.....	.....	.....
Total V.....	.....	.....	.....	.....
<b>VI. WORKSHOPS IN TENEMENTS (Article VII).</b>				
Frame and post license (§100).....	.....	.....	.....	1
Keep and file register of outside help (§101).....	.....	.....	.....	1
Discharge persons not members of family (§100).....	.....	.....	.....	.....

## REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.209

(a) New York State.

suspended or rescinded are not included.]

V. Chemicals, oils and explosives.	VI. Paper and pulp.	VII. Printing and paper goods.	VIII. Textiles.	IX. Clothing, millinery, etc.	X. Food, tobacco and liquors.	XI. Water, gas and elec- tricity.	XII. Building in- dustry.	XIII. Ware- housing, etc.	Total.
2	6	25	11	86	25	1	3		192
2	6	28	10	79	19	1	2		171
			1	5		1			8
	1	1	1	2	3				8
		1	1	2	3				15
5	1	1	2	6	11		1		13
5		1	2	6	9		1		44
				5					37
306	335	1,124	692	5,859	2,083	124	149	4	15,962
293	276	1,001	648	4,853	1,753	105	133	2	13,629
4	2	11	7	43	26				141
4	2	11	7	43	26				140
1	4	6	4	46	8				81
1	4	6	4	46	8				81
49	27	313	159	875	221	1	2		2,332
49	27	313	159	871	221	1	2		2,327
1		1	1	5	1				15
1		1	1	5	1				15
				1					7
				1					7
				1					1
				1					1
31	22	128	158	573	105	2	1	1	1,586
31	18	123	157	500	98	2	1		1,457
86	55	459	329	1,544	361	3	3	1	4,163
86	51	454	328	1,467	354	3	3		4,028
2	2	6	4	36	9				62
2	1	6	4	32	9				57
	1	2		2	20				36
		2		2	17				32
									15
									13
									1
		1	1						2
2	1		1						1
2	1	6	4	15	1				38
2	1	6	4	15	1				34
4	4	15	9	53	30				154
4	3	14	9	49	27				137
				75					75
				41					41
				274					274
				218					218
				349					349
				269					269
			4	333	58				396
			3	292	69				352
			1	30	1				32
			1	24	1				26

Table VI.—Orders and Compliances—Continued.

[NOTE.—Compliances are printed in *italic* figures. Orders

ORDERS. [With reference to section of Labor Law violated.]	I. Stone and clay products.	II. Metals, machinery, etc.	III. Wood manu- factures.	IV. Leather and rubber goods.
<b>VI. WORKSHOPS IN TENEMENTS (Article VII)—Continued.</b>				
Cease using shop for living purposes (§100).....				
Cell door between shop and living rooms (§100).....				
Provide shelving for goods (§100).....				
Cease giving out work to unlicensed persons (§100).....				
Obtain license (§100).....				
Cease using factory for tenement purposes (§82).....				
Total VI.....				1 1
<b>VII. BAKERIES (Special law).</b>				
Reduce hours of labor to 10 a day (§110).....				
Water-closets ordered from bakerrooms and provided outside (§113).....				
New sinks ordered (§111).....				
Sinks ordered repaired (§111).....				
Other orders relating to drainage and plumbing (§111).....				
Remove beds and bedding from and cease sleeping in bake or store room (§113).....				
Cease using bakeshop for living purposes (§113).....				
Provide pipe or hood or ventilate bakeroom (§111).....				
Alter or repair pipe or hood (§111).....				
Bakeshops ordered to be cleaned and kept clean (§112).....				
Yard or area ordered cleaned (§112).....				
Rubbish or ashes ordered from bakeroom (§112).....				
Walls and ceilings to be whitewashed or painted (§112).....				
Woodwork to be painted (§112).....				
Sidewalls or ceilings to be plastered, wainscoted or repaired (§112).....				
Repair doors, partitions or windows (§112).....				
Food products to be stored in dry rooms (§112).....				
Storage facilities to be arranged for cleaning (§112).....				
Keep dogs, chickens or other animals out of bakeroom (§112).....				
Ceiling ordered raised to at least 8 feet (§112).....				
Repair, scrape or oil floor, or provide new floor (§112).....				
Provide fly screens at windows (§112).....				
Total.....				

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.211

(a) New York State.

suspended or rescinded are not included.]

V. Chemicals, oils and explosives.	VI. Paper and pulp.	VII. Printing and paper goods.	VIII. Textiles.	IX. Clothing, millinery, etc.	X. Food, tobacco and liquors.	XI. Water, gas and electricity.	XII. Building in- dustry.	XIII. Ware- housing, etc.	Total.
				5					5
				4					4
				13					13
				12					12
				6					6
				4					4
				1					1
				1					1
				1					1
				1					1
			1						1
			1						1
			6	389	59				455
			6	338	57				401
					39				39
					31				31
					25				25
					18				18
					35				35
					25				25
					100				100
					76				76
					52				52
					45				45
					48				48
					36				36
					3				3
					2				2
					168				168
					122				122
					65				65
					63				63
					228				228
					186				186
					16				16
					12				12
					207				207
					167				167
					1,445				1,445
					1,290				1,290
					118				118
					97				97
					315				315
					276				276
					29				29
					24				24
					12				12
					9				9
					10				10
					8				8
					36				36
					29				29
					113				113
					70				70
					690				690
					541				541
					5				5
					6				6
					3,759				3,759
					3,129				3,129



Table VI.—Orders and Compliances—Continued.

[NOTE.—Compliances are printed in italic figures. Orders

ORDERS. [With reference to section of Labor Law violated.]	I. Stone and clay products.	II. Metals, machinery, etc.	III. Wood manu- factures.	IV. Leather and rubber goods.
IX. WAGES.				
Pay wages in cash (§9).....			1	.....
Pay wages weekly (§10).....	3	4	4	4
Cease employing municipal employees over 8 hours per day (§3)...	3	3	4	3
Total IX.....	3	4	5	4
GRAND TOTAL.....	881 834	6,018 5,637	3,367 3,104	2,913 2,524

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

III.213

(a) New York State.

suspended or rescinded are not included.]

V. Chemicals, oils and explosives.	VI. Paper and pulp.	VII. Printing and paper goods.	VIII. Textiles.	IX. Clothing, millinery, etc.	X. Food, tobacco and liquors.	XI. Water, gas and electricity.	XII. Building in- dustry.	XIII. Ware- housing, etc.	Total.
									1
									1
2	1		1	1	8	5			33
8	1		1	1	5	5			27
						1			1
2	1		1	1	8	6			35
8	1		1	1	5	5			28
993	657	3,671	1,959	18,455	9,748	294	439	21	49,416
979	608	3,638	1,913	17,223	8,787	274	422	17	48,112

TABLE VI—Orders and Com

[NOTE.—Compliances are printed in *italic figures*. Orders

ORDERS. [With reference to section of Labor Law violated.]	I. Stone and clay products.	II. Metals, machinery, etc.	III. Wood manu- factures.	IV. Leather and rubber goods.
<b>I. ADMINISTRATION.</b>				
Post law (§105) .....	197	1,466	639	786
Post schedule of hours (§77).....	197	1,466	639	786
Obtain and post permit changing period of noonday meal (§89)...	45	363	139	426
Keep register of children employed (§76).....	45	363	139	426
Report intention of operating mill overtime (§78).....	26	270	106	78
Report cessation of overtime (§78).....	26	270	106	78
Keep record of overtime (§78).....	2	11	5	4
Report accidents (§87).....	2	11	5	4
Total I.....	272	2,142	901	1,296
	272	2,142	901	1,296
<b>II. SANITATION AND SAFETY.</b>				
1. Lighting.....	11	83	48	117
Properly light workrooms (§81).....	9	76	40	116
Properly light halls, stairs or water-closets (§81).....	11	83	48	117
2. Ventilation and overcrowding.....	9	76	40	116
Provide 250 cubic feet of air-space for each employee between 6 a. m. and 6 p. m. (§85).....		3	1	1
Provide 400 cubic feet of air-space for each employee between 6 p. m. and 6 a. m. (§85).....		3	1	1
Provide proper and sufficient means of ventilation (§86).....		3	1	1
3. Time allowed for meals.....		1		
Allow 60 minutes for noonday meal (§89).....		1		
Allow 20 minutes for lunch at 6 p. m. (§89).....		1		
4. Cleanliness and sanitary conveniences.....	67	385	189	501
Walls or ceilings ordered limewashed (§84).....	67	347	166	466
Walls, ceilings or woodwork ordered painted or papered (§84).....	3	45	12	32
Walls or ceilings ordered repaired (§84).....	3	41	10	31
Clean workrooms, halls, stairs or yard (§§62, 100).....	1	5	2	19
Clean or repair windows or doors, or provide new partitions (§62).....	1	4	2	12
Provide box for rubbish (§84).....	4	4	5	15
Provide additional water-closets or separate water-closets for sexes (§88).....	4	2	4	15
Clean, disinfect or flush water-closets (§88).....	2	20	7	51
Screen water-closets or dressing-rooms (§88).....	3	18	5	46
Repair water-closets (§88).....	3	4	2	1
	3	3	2	1
				1
				1
	15	47	22	86
	10	48	21	79
	10	84	48	116
	10	75	44	110
	1	14	3	3
	1	12	3	3
	15	68	44	58
	11	61	32	66

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suspended or rescinded are not included.)

V. Chemicals, oils and explosives.	VI. Paper and pulp.	VII. Printing and paper goods.	VIII. Textiles.	IX. Clothing, millinery, etc.	X. Food, tobacco and liquors.	XI. Water, gas and elec- tricity.	XII. Building in- dustry.	XIII. Ware- housing, etc.	Total.
300	102	945	327	5,453	2,010	87	196	10	12,518
300	102	945	327	5,453	2,010	87	196	10	12,518
104	47	463	258	3,439	285	9	5,578	9	5,578
104	47	463	258	3,439	285	9	5,578	9	5,578
60	10	207	70	253	59	4	10	1	1,153
60	10	207	70	253	59	4	10	1	1,153
4	1	17	10	50	5	1	1	1	109
4	1	17	10	47	4	1	1	1	106
9	1	18	4	9	11	4	2	1	106
8	1	17	4	8	9	4	2	1	98
477	160	1,650	669	9,204	2,371	96	217	10	19,465
476	160	1,649	669	9,200	2,368	96	217	10	19,461
8	5	64	34	504	31	1	3	1	909
8	4	62	28	442	24	1	3	1	812
8	5	64	34	7	31	1	3	1	7
8	4	62	28	6	24	1	3	1	6
1	1	1	2	21	6	1	1	1	35
1	1	1	2	21	6	1	1	1	35
1	1	1	2	19	2	1	1	1	22
1	1	1	2	19	2	1	1	1	22
1	1	1	2	2	4	1	1	1	13
1	1	1	2	2	4	1	1	1	13
1	1	1	1	1	1	1	1	1	5
1	1	1	1	1	1	1	1	1	4
1	1	1	1	1	1	1	1	1	4
1	1	1	1	1	1	1	1	1	4
49	61	321	131	3,881	411	10	27	1	6,034
47	63	294	126	3,827	365	9	26	1	6,178
4	5	32	11	329	48	1	1	1	523
3	4	26	10	265	46	1	1	1	440
4	5	6	1	192	18	1	1	1	249
4	4	4	1	159	14	1	1	1	208
2	1	7	4	67	23	1	1	1	132
2	1	7	4	58	22	1	1	1	119
5	5	27	7	368	37	1	1	1	524
5	5	24	7	326	35	1	1	1	466
1	4	4	3	48	6	1	1	1	73
1	3	3	3	41	6	1	1	1	64
1	1	1	1	6	6	1	1	1	7
1	1	1	1	6	6	1	1	1	6
15	6	34	20	387	36	5	5	1	680
14	5	33	20	312	29	4	4	1	573
8	13	68	22	853	92	9	9	1	1,325
8	11	65	21	729	76	9	9	1	1,166
1	3	3	3	28	5	1	1	1	61
1	2	2	3	24	5	1	1	1	53
9	12	41	15	606	70	3	6	1	948
9	12	40	15	495	61	3	6	1	804

Table VI.—Orders and Compliances—Continued.

[NOTE.—Compliances are printed in *italic* figures. Orders

ORDERS. [With reference to section of Labor Law violated.]	I. Stone and clay products.	II. Metals, machinery, etc.	III. Wood manu- factures.	IV. Leather and rubber goods.
II. SANITATION AND SAFETY—Continued.				
4. Cleanliness and sanitary conveniences—Continued.				
Ventilate water-closets (§88).....	1	6	4	1
Whitewash or paint water-closets (§88).....	4	12	7	30
Provide inside water-closets (§88).....	1	5	5	30
Provide separate approaches to water-closets (§88).....	1	4	4	2
Keep water-closets unlocked or provide keys (§88).....	2	2	1	10
Clear passageway to water-closets (§88).....	1	1	1	6
Remove obscene writing from water-closets (§88).....	6	6	2	1
Provide signs on water-closets (§88).....	4	4	1	18
Remove old water-closets from hall or basement (§88).....	4	1	1	18
Provide dressing-room (§88).....	5	5	1	1
Provide running water in workrooms or closets (§88).....	6	42	22	47
Repair sink or plumbing in workrooms (§88).....	6	40	19	45
Provide drainage for yard (§62).....	1	9	2	3
Clean tank on roof (§88).....	8	8	2	3
Clean and cover tank for drinking water (§88).....	1	1	1	1
Heat workrooms (§62).....	1	1	1	1
5 Dangerous machinery.....	60	517	248	91
	54	468	214	87
Encase or box bolting (§81).....	7	50	27	11
Countersink protruding set screws (§81).....	7	60	22	11
Guard shafting (§81).....	26	191	88	42
Guard gearing (§81).....	23	178	80	40
Guard pulleys and fly-wheels (§81).....	3	14	5	10
Guard shafting (§81).....	3	14	5	9
Guard gearing (§81).....	9	44	11	5
Guard pulleys and fly-wheels (§81).....	8	43	11	5
Guard pulleys and fly-wheels (§81).....	3	35	18	3
Provide belt shifters and loose pulleys* (§81).....	3	33	17	3
Provide guards for vats, pans, etc. (§81).....	4	4	3	3
Provide guards for vats, pans, etc. (§81).....	3	1	2	3
Provide guards for saws and planers* (§81).....	2	31	48	1
Provide guards for other machinery (§81).....	1	29	42	1
Provide or repair exhaust fans (§81).....	5	35	9	8
Provide steam or water gauge for boilers (§91).....	6	32	9	8
Provide steam gauge for engine room (§91).....	2	111	36	7
Have boiler inspected (§91).....	2	83	24	6
Have boiler repaired (§91).....				

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suspended or rescinded are not included.)

[illegible]

Table VI.—Orders and Compliances—Continued.

[NOTE.—Compliances are printed in *italic* figures. Orders

ORDERS. [With reference to section of Labor Law violated.]	I. Stone and clay products.	II. Metals, machinery, etc.	III. Wood manu- factures.	IV. Leather and rubber goods.
II. SANITATION AND SAFETY—Continued.				
5. Dangerous machinery—Continued.				
File certificate of boiler inspection (§91).....			1	1
Provide signal to engine room (§91).....		1	1	1
Arrange machinery so as to stop vibration therefrom (§81)...				
6. Elevators, hoistways, etc. (§79).....	11 10	77 70	52 44	18 14
Provide automatic or other doors or gates for elevators.....		5	8	2
Attach automatic trap doors to elevators.....		4	8	8
Provide guard rails at elevator or hoistway openings.....	7	33	27	6
Provide passageway around elevator shaft.....	1	5		4
Repair automatic or other doors of elevator.....	2	12	3	3
Lock elevator doors so that they can be opened only from elevator.....	1	8	8	
Provide new ropes or cables.....		2	1	
Provide safety attachments for elevator doors.....		1	1	1
Provide signal to call elevator.....		3	3	1
Provide light on elevator.....		3	3	1
Repair elevator or elevator machinery.....		2		1
Employ person to take charge of elevator.....				
7. Protection from fire.....	17 13	165 167	91 83	76 68
Erect fire-escapes with balconies on each floor (§82).....	2	2	3	7
Extend balconies to embrace two windows (§82).....		1	1	3
Provide or repair shutters to fire-escape (§82).....		3		
Provide iron floor for fire-escape (§82).....		3		
Paint or repair fire-escape (§82).....				
Provide ladders or stairways to roof (§82).....	1	11	7	6
Provide iron ladder from cellar to sidewalk (§82).....		11	7	6
Connect balconies by inclined stairways and provide drop- ladders to ground (§82).....				
Remove obstructions from exits or fire-escapes (§82).....	2	33	18	20
Provide exits other than stairway (§82).....	1	30	17	17
Display fire-escape signs.....				1
Keep doors unlocked during working hours (§80).....		16	5	16
Provide rubber or new treads on stairs (§80).....	3	11	5	15
	8	11	5	1

(b) New York City.

suspended or rescinded are not included.]

V. Chemicals, oils and explosives.	VI. Paper and pulp.	VIII. Printing and paper goods.	VIII. Textiles.	IX. Clothing, millinery, etc.	X. Food, tobacco and liquors.	XI. Water, gas and electricity.	XII. Building industry.	XIII. Warehousing, etc.	Total.
									2
				1					2
				1					2
					1				1
					1				1
18	7	51	10	61	52	4	7		368
17	7	47	9	47	61	4	7		327
2		6	1	2	4	1	1		32
2		6	1	2	4	1	1		25
									2
									1
10	4	16	4	28	17	2	3		162
9	4	16	4	22	17	2	3		151
	1	5		9	3				28
	1	3		2	2				9
4	1	5	3	1	10	1	1		46
4	1	6	2	1	10	1	1		45
1	1	11	1	7	10		2		50
	1	11	1	6	10		2		49
		3			6				11
		2			6				10
		1		2	1				7
		1		2	1				7
		3		3					13
		3		3					13
		1		1					2
		1		1					2
1			1	8	2				15
1			1	8	2				15
33	14	104	42	371	406	5	19		1,343
32	14	93	37	323	368	5	17		1,206
		6	3	19	4				46
		1	2	9					17
		1							1
		1							1
		2	2	3	1				11
		2	2	3	1				11
2		2	2	41	4				1
2		1	2	34	4				1
									76
									67
4	8	46	8	107	32	1			279
4	8	43	7	94	30	1			252
			1		1				3
			1		1				8
					1				1
					1				1
1		13	10	59	11				131
1		13	9	67	7				123
2	1	10	1	20	49		1		104
1	1	10	1	20	41				93



Table VI.—Orders and Compliances—Continued.

(NOTE.—Compliances are printed in *italic figures*. Orders

ORDERS. [With reference to section of Labor Law violated.]	I. Stone and clay products.	II. Metals, machinery, etc.	III. Wood manu- factures.	IV. Leather and rubber goods.
II. SANITATION AND SAFETY—Continued.				
7. Protection from fire—Continued.				
Provide handrails on stairways (§ 80).....	9 <i>9</i>	83 <i>79</i>	51 <i>45</i>	23 <i>21</i>
Provide screens for stairways (§ 80).....	<i>6</i>	<i>6</i>	<i>2</i>	<i>2</i>
Construct doors to open outwardly (§ 80).....	<i>6</i>	<i>6</i>	<i>2</i>	<i>2</i>
Make doors to elevators or stairways fireproof (§ 62).....				
Keep fire pails filled with water (§ 62).....				
8. Unsafe buildings.....	4 <i>4</i>	13 <i>13</i>	7 <i>6</i>	3 <i>3</i>
Comply with municipal ordinance (§ 62).....				
Repair flooring, roof or brickwork (§ 62).....	3 <i>3</i>	11 <i>11</i>	5 <i>4</i>	3 <i>3</i>
Repair gas or steam fittings (§ 62).....	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>
Cover gratings or other openings (§ 62).....	1 <i>1</i>	1 <i>1</i>	2 <i>2</i>	<i>2</i>
Total II.....	170 <i>143</i>	1,244 <i>1,133</i>	636 <i>553</i>	807 <i>751</i>
III. CHILDREN.				
Discharge children under 14 years of age (§ 70).....		3 <i>3</i>	2 <i>2</i>	4 <i>3</i>
Discharge illiterate children under 16 (§ 73).....		3 <i>3</i>	1 <i>1</i>	3 <i>3</i>
Discharge children under 16 without certificate (§ 70).....	22 <i>22</i>	204 <i>203</i>	64 <i>64</i>	103 <i>103</i>
File certificates of children under 16 (§§ 70-73).....	1 <i>1</i>	1 <i>1</i>	<i>1</i>	2 <i>2</i>
Cease employing children under 16 on dangerous machinery (§ 81).....		2 <i>2</i>		
Cease employing children under 15 on elevators (§ 79).....				
Keep unemployed children out of factory.....				
Cease employing children under 16 more than 9 hours per day h (§ 77).....	12 <i>12</i>	140 <i>133</i>	48 <i>45</i>	81 <i>79</i>
Total III.....	35 <i>35</i>	353 <i>345</i>	115 <i>112</i>	193 <i>190</i>
IV. WOMEN AND MINORS.				
Cease employing males under 18 and women more than 60 hours per week (§ 77).....				
Cease employing males under 18 and women at night (between 9 p. m and 6 a. m.) (§ 77).....	2 <i>2</i>	1 <i>1</i>		
Cease employing males under 18 and women at polishing or buff- ing (§ 92).....		10 <i>9</i>	1 <i>1</i>	
Cease employing minors under 18 to take care of or operate an elevator running faster than 200 feet per minute (§ 79).....		1		
Cease allowing males under 18 or females under 21 to clean ma- chinery while in motion (§ 81).....				
Provide seats for female employees (§ 17).....	4 <i>4</i>	3 <i>3</i>	2 <i>2</i>	
Permit use of seats to female employees (§ 17).....				
Total IV.....	6 <i>6</i>	15 <i>13</i>	3 <i>3</i>	

(b) New York City.

suspended or rescinded are not included.]

V. Chemicals, oils and explosives.	VI. Paper and pulp.	VII. Printing and paper goods.	VIII. Textiles.	IX. Clothing, millinery, etc.	X. Food, tobacco and liquors.	IX. Water, gas and electricity.	XII. Building industry.	XIII. Warehousing, etc.	Total.
				41					41
				34					34
				204	1				205
				179	1				180
				245	1				246
				213	1				214
			3	327	54				385
			3	290	53				347
				16	1				17
				14	1				15
				5					5
				4					4
				11					11
				10					10
				3					3
				3					3
				1					1
				1					1
			1						1
			4	363	55				423
			4	332	54				381
					30				30
					22				22
					20				20
					16				16
					24				24
					21				21
					73				73
					69				69
					45				45
					38				38
					38				38
					32				32
					3				3
					2				2
					155				155
					124				124
					65				65
					63				63
					189				189
					169				169
					9				9
					8				8
					157				157
					142				142
					1,114				1,114
					1,068				1,068
					89				89
					76				76
					228				228
					224				224
					24				24
					21				21
					3				3
					2				2
					9				9
					8				8
					25				25
					23				23

**TABLE VII.—COMPLAINTS ALLEGING VIOLATION OF FACTORY LAW,  
(ARTICLES V-VIII OF THE LABOR LAW) AND DISPOSITION OF SAME.**

NATURE OF COMPLAINT. [With reference to the article or section of the Labor Law of which violation is charged.]	Sus- tained.	Sus- tained in part.	Not sus- tained.	Com- plaints against places not found, closed, etc.	Total.	Thereof in New York City.
<b>I. ADMINISTRATIVE.</b> (§§ 76-78, 87, 89, 105.)						
Failure to post law (§ 105) .....	2				2	2
<b>II. SANITATION AND SAFETY.</b> (§§ 82, 79-86, 88-91.)						
1. Lack of light (§ 81):						
Insufficient light in halls or stairways .....	31	3	13	1	48	48
Insufficient light in workrooms .....			2		2	2
2. Lack of ventilation, overcrowding (§§ 85-86):						
Insufficient air space for day work .....	3		5		8	8
Insufficient ventilation .....	6	2	8	1	17	16
3. Insufficient time for meals (§ 89):						
Allowance of less than one hour for noonday meal .....	2		6		8	8
4. Uncleanliness, lack of sanitary conveniences (§§ 84-88):	87	5	44	9	138	124
Unclean shop or yard (§ 62) .....	7	2	8		17	17
Lack of sufficient or inside water-closets (§ 88) ..	15		7	1	23	20
Lack of separate water-closets .....	13	2	6		21	20
Water-closets unclean, not disinfected, or not flushed (§ 88) .....	29		10		39	35
Unscreened water-closets (§ 88) .....	1		2		3	2
Water-closets out of repair (§ 88) .....	2	1			3	1
Defective drainage .....	2				2	2
Dressing room not provided (§ 88) .....	1		3		4	3
Failure to provide running water in work- rooms (§ 88) .....	10		2	1	13	12
Insufficient heat in workrooms (§ 62) .....	6		6		12	12
Colors on workroom walls injurious to eye- sight (§ 84) .....	1				1	
5. Dangerous machinery, boilers, etc. (§ 81-91) ..	49	3	27	4	83	68
Unguarded gearing (§ 81) .....	3			1	4	
Lack of belt shifters, loose pulleys or safety clutch (§ 81) .....	2				2	2
Other machinery unguarded (§ 81) .....	2		1	1	4	3
Lack of or imperfect exhaust fans (§ 81) .....	35	3	20	2	60	55
Vibration from machinery (§ 81) .....	2		5		7	7
Unsafe boiler or engine, or failure to inspect boiler (§ 91) .....	4		1		5	
Lack of signal to engine room .....	1				1	1
6. Elevators and hoistways (§ 79):						
Unsafe elevators .....	3		1		4	4
7. Insufficient fire protection (§§ 80, 82-83) .....	14	2	15	1	30	26
Lack of or inadequate fire-escapes (§ 82) .....	3		8	1	12	10
Obstructions to exits or fire-escapes (§ 82) .....	4	1	3		8	8
Doors not unlocked during working hours (§ 80) ..	6	1	2		9	7
Lack of handrails on shop bridge .....	1				1	
8. Unsafe buildings (§§ 62, 90):						
Noncompliance with municipal ordinance .....	6		1		7	6
<b>Total</b> .....	<b>201</b>	<b>15</b>	<b>120</b>	<b>9</b>	<b>345</b>	<b>309</b>
<b>III. ILLEGAL EMPLOYMENT OF CHILDREN.</b> (§§ 70, 73, 79, 81.)						
Employment of children under 14 (§ 70) .....	7	2	21		30	26
Employment of children under 16 without certi- ficate (§ 70) .....	56		55	2	113	105
Employment of children under 16 more than 9 hours a day (§ 77) .....	63		32	3	98	91
<b>Total</b> .....	<b>126</b>	<b>2</b>	<b>108</b>	<b>5</b>	<b>241</b>	<b>222</b>

Table VII.—Complaints—Concluded.

NATURE OF COMPLAINT. [With reference to the article or section of the Labor Law of which violation is charged.]	Sus- tained.	Sus- tained in part.	Not sus- tained.	Com- plaints against places not found, closed, etc.	Total.	Thereof in New York City.
<b>IV. ILLEGAL EMPLOYMENT OF WOMEN AND MINORS.</b> (§§ 77, 79, 81, 93.)						
Employment of women or minors more than 60 hours per week (§ 77).....	15	4	12	1	32	20
Employment of women or minors at night (§ 77).....	6		16		22	17
Employment of women or minors at polishing or buffing (§ 93).....	1		1		2	1
<b>Total</b> .....	<b>22</b>	<b>4</b>	<b>29</b>	<b>1</b>	<b>56</b>	<b>38</b>
<b>V. LAUNDRIES (SPECIAL LAW, § 92).</b>						
Workroom used for sleeping or living purposes.....	1				1	1
Workroom in unclean condition.....	1				1	1
<b>Total</b> .....	<b>2</b>				<b>2</b>	<b>2</b>
<b>VI. TENEMENT WORK (ART. VII).</b>						
Work carried on without license (§ 100).....	87		60	5	152	152
Loading of license (§ 100).....	2				2	2
Failure to keep register of outside help (§ 101).....	2				2	2
Work carried on under unsanitary conditions (§100)	20		29	3	52	51
Contagious disease in tenement workroom (§ 100).....	1				1	1
Workroom connected with living room (§ 100).....	2		2		4	4
Employment of persons not members of family (§ 100).....	5		6	1	12	12
More persons working than allowed by license (§ 100).....	5		4		9	9
<b>Total</b> .....	<b>124</b>		<b>101</b>	<b>9</b>	<b>234</b>	<b>233</b>
<b>VII. BAKERIES (SPECIAL—ART. VIII).</b>						
General violation of bakeshop law.....	20	6	10	4	40	31
Working more than 60 hours per week (§ 110).....	5				5	2
Defective drainage.....	3		1		4	4
Beds and bedding in bakeroom, sleeping in bake- room (§ 113).....	2		2		4	4
Defective ventilation, lack of pipe or hood (§ 111).....	4		5		9	9
Unclean bakeshop (§ 112).....	7	1	8		16	16
Walls or ceiling not limewashed or out of repair (§ 112).....	6	1	1		8	8
Dogs, chickens or other prohibited animals allowed in bakerooms (§ 112).....			1		1	1
Ceilings less than 8 feet high (§ 112).....	8			1	9	8
Defective floors (§ 112).....	4		1		5	4
Conditions not prohibited by bakeshop law.....	4			3	7	3
<b>Total</b> .....	<b>59</b>	<b>8</b>	<b>29</b>	<b>8</b>	<b>104</b>	<b>90</b>
<b>MISCELLANEOUS.</b>						
Unsafe scaffolding (§§ 18-19).....	1				1	
Working over 10 hours per day on street surface railroads (§ 5).....				1	1	1
Failure to pay wages in cash (§ 9).....	1				1	
Failure to pay wages weekly (§ 10).....	3		1	3	7	1
General violation of the factory law.....	6	2	4		12	12
<b>Total</b> .....	<b>11</b>	<b>2</b>	<b>5</b>	<b>4</b>	<b>22</b>	<b>14</b>
<b>GRAND TOTAL</b> .....	<b>547</b>	<b>31</b>	<b>392</b>	<b>36</b>	<b>1,006</b>	<b>910</b>

TABLE VIII.—CHILDREN'S EMPLOYMENT CERTIFICATES IS MONTHS ENDED

[During a portion of the year the health officers of some locali

COUNTY AND LOCALITY.	CERTIFI- CATES ISSUED PRIOR TO OCT. 1, 1903.	CERTIFI		
		Oct.	Nov.	Dec.
ALBANY COUNTY.				
Albany city.....		31	22	12
Voorheesville village.....				
Watervliet city.....		4		1
ALLEGANY COUNTY.				
Allegany town.....		1		
BROOME COUNTY.				
Binghamton city.....		16	6	
Lestershire village.....				
CATTARAUGUS COUNTY.				
Olean city.....		6	6	
CAYUGA COUNTY.				
Auburn city.....		3	7	3
CHAUTAUQUA COUNTY.				
Dunkirk city.....				
Falconer village.....				
Fredonia village.....	1	2		
Jamestown city.....		8	3	7
Silver Creek village.....				
CHEMUNG COUNTY.				
Elmira city.....		5	1	2
Elmira Heights village.....		1		
Wellsburg village.....				
CLINTON COUNTY.				
Rouses Point village.....				
COLUMBIA COUNTY.				
Hudson city.....		4	5	
Kinderhook village.....				
Philmont village.....				
Stockport town.....	1	2		
Valatie village.....		1		
CORTLAND COUNTY.				
Cortland city.....		1		
Cortlandville town.....				
McGrawville village.....			1	
DELAWARE COUNTY.				
Delhi town.....				
Hancock village.....				
Sidney village.....		2	1	2
DUTCHESS COUNTY.				
Fishkill town.....	1		1	
Fishkill-on-Hudson village.....				
Matteawan village.....	6		3	
Millerton village.....				
Red Hook village.....				
Wappinger Falls village.....				
ERIE COUNTY.				
Akron village.....				
Buffalo city.....		45	39	39
Lancaster village.....				
North Collins town.....				
Tonawanda city.....		1	3	2
Williamsville village.....				

\* The month of issue not reported.

# SUED BY LOCAL BOARDS OF HEALTH IN THE TWELVE SEPTEMBER 30, 1904.

ties reported mercantile as well as manufacturing certificates.]

DATES ISSUED BETWEEN OCTOBER 1, 1903, AND SEPTEMBER 30, 1904.

Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Total.
6	7	8	8	5	23	17	12	10	161
1	1								1
6	1	2	9	4	3	1	2	8	41
									1
1	1	4	5	9	28	18	7	12	107
									*15
								3	15
1	5	5	5	6	11	22	12	7	87
	2		2	2	1				7
				1	3	1			5
			1		4	8		4	19
6	6	3	11	9	34	17	12	127	243
1			5	1					7
1	4	3	4	1	4	4	3	5	37
2							15		3
									15
					9	1			10
	1		1						9
				3	4			2	2
2	2	3	2		3		4		†16
									18
									1
			3						4
			1		1				2
			1				1	3	6
								2	2
		2	3		2	1			1
								4	16
	2	3		2					8
1	2	2	7	2	7	7	1	13	13
								4	36
1					2			2	2
				1	3	8		1	4
									12
						1	8	2	11
46	41	50	139	25	51	134	46	51	706
						9			9
						2		16	6
1		7	5	2	11	2	2		48
								1	1

† Seven certificates included, month of issue not reported.

Table VIII.—Board of Health Certificates

COUNTY AND LOCALITY.	CERTIFI- CATES ISSUED PRIOR TO OCT. 1 1903.	CERTIFI-		
		Oct.	Nov.	Dec.
ESSEX COUNTY.				
Ticonderoga village.....		3		
FULTON COUNTY.				
Gloversville city.....	36	2	2	1
Johnstown city.....				1
Mayfield village.....		1		
Northville village.....				
GREENE COUNTY.				
Athens village.....		1		
Coxsackie village.....				
HERKIMER COUNTY.				
Dolgeville village.....		2	3	
Herkimer village.....		3	4	
Little Falls city.....				
JEFFERSON COUNTY.				
Watertown city.....		6	5	
West Carthage village.....				
KINGS COUNTY—(See New York City, Brooklyn borough).				
MADISON COUNTY.				
Cazenovia village.....		1		
Sullivan town.....				
MONROE COUNTY.				
Brookport village.....				
Rochester city.....		95	49	21
MONTGOMERY COUNTY.				
Amsterdam city.....	8	30	9	11
Amsterdam town.....		2		
Minden town.....		2		
St. Johnsville village.....				
NASSAU COUNTY.				
Sea Cliff village.....				
NEW YORK CITY.				
Bronx borough.....		30	20	19
Brooklyn borough.....		248	285	285
Manhattan borough.....		231	170	138
Queens borough.....		58	48	39
Richmond borough.....		20	8	16
NIAGARA COUNTY.				
Hartland town.....		4		
Lockport city.....		4	4	
Niagara Falls city.....				
ONEIDA COUNTY.				
Kirkland town.....				
Oriskany Falls village.....				1
New Hartford village.....	46			
Rome city.....		4		1
Utica city.....		41	18	7
Waterville village.....		2		
Whitestown town.....		9		
ONONDAGA COUNTY.				
Camillus village.....				2
East Syracuse village.....				
Fayetteville village.....		1		
Skaneateles town.....		1		
Solvay village.....		1		
Syracuse city.....	72	45	22	15

\* Twelve certificates included, the month of issue not reported.

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904. III.231

for Employment of Children—Continued.

CERTIFICATES ISSUED BETWEEN OCTOBER 1, 1903, AND SEPTEMBER 30, 1904.

Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Total.
									3
3	4	6	7	3	12	34	17	15	106
2	1								2
									2
									1
		1			1	2	1	4	1
									9
1	1	4	1	2				1	10
1									6
4	3	3	1	3		3			24
1	1		3	2				7	25
						1			1
					6	9			15
									1
					2	1			3
25	26	36	36	52	121	131	51	54	697
11	23	9	11	21	30	45	4		204
			5	13		10			20
					3	2	2		12
									*19
				1					1
46	53	46	53	51	65	50	27	108	568
231	290	284	378	345	545	510	193	86	3,680
154	235	215	232	158	222	214	85	392	2,446
42	58	61	75	50	54	75	43	58	661
16	13	21	31	24	24	35	6	23	237
3		4		2			3	2	4
				26	15	7	1	10	22
									195
						4	1	1	6
1		4	3	1	1	2	1		14
	1	5	7	6	16	29	4	1	74
14	18	31	21	27	23	45	17	31	293
						1			3
				3	3	9	4	3	31
1		3	4		1				9
									2
						10	1		11
			3			1			6
1	1								3
14	13	17	19	11	40	26	16	28	266

† Thirty-six certificates included, the month of issue not reported.



Table VIII.—Board of Health Certificates

COUNTY AND LOCALITY.	CERTIFI- CATES ISSUED PRIOR TO OCT. 1, 1903.	CERTIFI		
		Oct.	Nov.	Dec.
ONTARIO COUNTY.				
Olifton Springs village.....				
Seneca town.....				
ORANGE COUNTY.				
Florida town.....				
Middletown city.....		1	3	2
Newburgh city.....		1		1
Port Jervis village.....		7	3	2
Walden village.....		2	3	1
ORLEANS COUNTY				
Medina village.....				
OSWEGO COUNTY.				
Fulton city.....				
Oswego city.....		7	8	4
Richland town.....		1		
Schroeppe! town.....				
OTSEGO COUNTY.				
Oneonta village.....				1
Otsego town.....				
QUEENS COUNTY—(See New York City, Queens borough).				
RENSSELAER COUNTY.				
Castleton village.....			1	
Hoosick Falls village.....		5		
Sand Lake town.....		2		
Schaghticoke village.....				
Troy city.....		24	8	6
RICHMOND COUNTY—(See New York City, Richmond borough).				
ROCKLAND COUNTY.				
Clarkstown town.....				19
West Haverstraw village.....				
SARATOGA COUNTY.				
Ballston Spa village.....				
Saratoga Springs village.....		1	10	3
Waterford village.....				
SCHENECTADY COUNTY.				
Schenectady city.....		8	16	21
Scotia village.....				
SENECA COUNTY.				
Waterloo village.....		1		1
STREUBEN COUNTY.				
Addison village.....				
Corning city.....		1		3
Greenwood town.....			2	
Hornellsville city.....		1	1	2
SUFFOLK COUNTY.				
Deer Park town.....				
Riverhead town.....		1		
Sag Harbor village.....		2		
TOMPEINS COUNTY.				
Ithaca city.....				
ULSTER COUNTY.				
Kingston city.....		15	16	1
Milton town.....		2	1	
Rosendale town.....				
Wawarsing town.....				

\* The month of

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904. III.233

for Employment of Children—Continued.

CASES ISSUED BETWEEN OCTOBER 1, 1903, AND SEPTEMBER 30, 1904.

Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Total.
						1			1
							1		1
1	2	1		2	5	2	1	4	1
9	4	10	6	2	5	10	9	6	23
1									63
5	4	1	1	4	4	5	8	3	13
									41
1	1	1	3		1	2	1	3	13
6	2	2				5	5	2	16
6	6	4	8	3	34	40	13	17	150
						3			1
									3
1		2		1	6	4			15
1							1		2
	1		1	2	1	3	2	7	18
		1		3	2	2			5
	3		1		1			6	11
15	10		18	17	31	8	12	32	11
									181
		1							
						4	4	2	20
									10
1	1		2	5	2		1	2	4
					2				26
									*21
	6	7	12	9	8	2	5	8	102
								1	1
		1		3					6
4	1	4	2	1	1	1			4
			1		14				29
3	3	1		1		1			4
									11
				1					1
				2	2	1	3	1	3
									11
			5	1	3	1		1	*23
1	1	1	5	10	9	7	3	19	88
2									5
1				2	7	2	2	3	16
		1		1	1			1	5

issue not reported

Table VIII.—Board of Health Certificates

CITY AND COUNTY.	CERTIFI- CATES ISSUED PRIOR TO OCT. 1, 1903.	CERTIFI		
		Oct.	Nov.	Dec.
WARREN COUNTY.				
Glens Falls village.....		5		
Queensbury town.....				
WASHINGTON COUNTY.				
Fort Edward village.....				
Greenwich village.....	1	1		
Kingsbury town.....				
Whitehall village.....				
WAYNE COUNTY.				
Lyons village.....				
Marion town.....				
Williamson town.....				
WESTCHESTER COUNTY.				
Cortlandt town.....				
Hastings-on-Hudson village.....				
Irvington village.....		2		
Mount Vernon city.....		3	3	
Peekskill village.....		1		
Port Chester village.....		6	2	
WYOMING COUNTY.				
Silver Springs village.....				
GRAND TOTAL.....	172	1,079	822	692

\* Twelve certificates included, month of issue not reported.

† Month of issue not

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904. III.235

for Employment of Children—Concluded.

CATES ISSUED BETWEEN OCTOBER 1, 1903, AND SEPTEMBER 30, 1904.

Jan.	Feb.	Mar.	April.	May.	June.	July.	Aug.	Sept.	Total.
			3	1	2		1	3	*27
									12
								2	†10
				1					3
		7	2		2	6			17
									†9
							5		5
					8	1			9
				2		3	1	1	7
1	2	1		1			1		6
									2
3			1		1	2	8	1	23
1	3	2	1	1	7	3			13
				1	1		2		19
					1				1
703	866	891	1,177	952	1,548	1,625	692	1,218	†12,401

reported. † Includes 136 certificates for which month of issue was not reported.

TABLE IX.—NUMBER AND AGE OF PERSONS REPORTED INJURED IN FACTORIES AND QUARRIES.

(A) All Persons (Male and Female).

INDUSTRIES.	Under 15 years of age.	15 years and under 16.	16 years and under 18.	18 years of age and over.	Age not reported.	Total.
<b>I. Stone and Clay Products.</b>						
1. Stone:						
(a) Crushed stone.....			1	5		6
(b) Cut stone.....			1	37	1	39
2. Talc, garnet, rock salt, etc.:						
(a) Talc mills.....				2		2
(b) Emery, garnet, graphite, rock salt, etc.....			4	2		6
3. Lime, cement and plaster:						
(a) Lime.....				1		1
(b) Cement and asphalt.....			1	109	1	111
(c) Plaster and gypsum.....			1	22		23
4. Brick, tile and pottery:						
(a) Common brick.....				4		4
(b) Terra cotta and fire-clay products.....				6		6
(c) Pottery products.....	1			1		2
5. Glass:						
(a) Building glass.....				2		2
(b) Mirrors.....				1		1
(c) Pressed, blown and cut glassware.....			1			1
(d) Bottles and jars.....			1	3		4
Total—Group I.....	1		10	195	2	208
<b>II. Metals, Machinery and Apparatus.</b>						
1. (a) Silver and silver-plated ware.....		1	3	15		19
2. Copper, lead, zinc, etc.:						
(a) Alloys, smelting and refining.....				4		4
(b) Coppersmiths.....				7		7
(c) Brass foundries.....				2		2
(d) Valves, hydrants, soda water apparatus, etc.....				14		14
(e) Gas and electric fixtures.....				2		2
(f) Plumbers' supplies.....			1	2		3
(g) Other brass and bronze goods.....			4	40	1	45
(h) Lead, zinc and aluminum goods.....			15	27		42
3. Iron and steel:						
(a) Iron mining.....				20	6	26
(b) Blast furnaces.....		1	2	68		71
(c) Architectural and structural iron.....			5	114	6	125
(d) Car wheels and railway equipment.....			3	64		67
(e) Rolling mills, steel and tinplate works.....		1	7	156	6	170
(f) Locks, bolts, screws, etc.....			1	10		11
(g) Hardware, not specified.....			7	48	1	56
(h) Cutlery.....				6	2	8
(i) Tools.....			3	37	1	41
(j) Patterns, dies, stencils, etc.....			4	1		5
(k) Firearms.....			2	35		37
(l) Typewriting, registering and sewing machines.....			3	26		29
(m) Other wire goods.....			1	4	1	6
(n) Tinware, sheet-metal work, metal stamping, etc.....	2		41	188	1	232
(o) Toys, buttons and fancy metal goods.....				2	2	4
(p) Plating, enameling, galvanizing, etc.....		1	1	2		4
(q) Cooking and heating apparatus.....			1	22	1	24
(r) Steam engines, boilers, pumps, etc.....		5	23	749	14	791
(s) Machinery, not otherwise classified.....	1	1	17	223	4	246
(t) Foundries.....		1	3	136	6	146

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904. III.237

Table IX.—Number and Age of Persons Reported Injured—Continued.

INDUSTRIES.	Under 15 years of age.	15 years and under 16.	16 years and under 18.	18 years of age and over.	Age not reported.	Total.
<b>II.—Metals, Machinery, Etc.—Con.</b>						
4. Railway repair shops.....			6	383	2	391
5. Vehicles:						
(a) Carriages, wagons and sleighs.....				23		23
(b) Cycles and parts.....		1	1	20		22
(c) Vehicle wheels.....				1		1
(d) Motor vehicles.....		1		14		15
(e) Cars (except railway car shops).....		1	1	37		39
6. Ship and boat building.....			5	84	16	105
7. Agricultural implements.....			8	131	1	140
8. Musical instruments:						
(a) Pianos and parts.....			1	30		31
(b) Organs and other instruments.....				1		1
9. Other instruments and appliances:						
(a) Scientific instruments and apparatus.....			1	4		5
(b) Optical and photographic apparatus.....	1	1	2	43		47
(c) Scales.....			1	4	1	6
(d) Clocks and time-recording apparatus.....			1	5	1	7
(e) Thermometers, meters, steam gauges, etc.....			1	13		14
(f) Lamps, lanterns, reflectors, stereopticons, etc.....		1	6	38	2	47
10. Electrical apparatus:						
(a) Telephone, telegraph, fire alarm apparatus.....			5	79		84
(b) Electric lamps.....				2		2
(c) Dynamos, motors and electrical supplies.....		3	20	403	6	432
Total—Group II.....	4	19	206	3,339	81	3,649
<b>III. Wood Manufactures.</b>						
1. Lumber and house trim.....	3	2	11	148	8	172
2. Boxes and barrels:						
(a) Packing boxes, barrels, shoos, etc.....		5	13	62	3	83
(b) Cigar boxes, fancy wood boxes.....			6	5		11
3. Baskets and other woven work.....				2		2
4. Brooms.....				1		1
5. Furniture and cabinet work:						
(a) Furniture and upholstery.....		2	4	99	4	109
(b) Caskets.....			1	3		4
(c) Store and office fixtures.....			9	39		48
(e) Other cabinet work.....				21		21
6. Wood, cork and amber working:						
(a) Articles of cork.....			2	4		6
(l) Pipes and smokers' articles.....				1		1
(c) Wooden toys and novelties.....		2	3	12		17
(d) Refrigerators and domestic appliances.....		1	2	17	1	21
(e) Other articles and appliances of wood.....			8	57	2	67
7. Picture frames and moldings.....				3		3
Total—Group III.....	3	12	59	474	18	586
<b>IV. Leather and Rubber Goods.</b>						
1. Manufacture of leather.....		1	3	54	1	59
2. Furs, brushes, articles of hair, etc.:						
(a) Furs and fur goods.....				2		2
(b) Brushes.....				2		2
(c) Articles of hair, feathers, etc.....				3		3
3. Leather goods:						
(a) Belting, washers, etc.....				13	1	14
(b) Saddlery and harness.....				2		2
(c) Traveling bags and trunks.....				1		1
(d) Boots and shoes.....	4	4	8	36	1	53
(e) Gloves and mittens.....				5		5

Table IX.—Number and Age of Persons Reported Injured—Continued.

INDUSTRIES.	Under 15 years of age.	15 years and under 16.	16 years and under 18	18 years of age and over.	Age not reported.	Total
<b>IV.—Leather and Rubber Goods—Con.</b>						
4. Rubber and gutta percha goods.....			3	25		28
5. Articles of pearl, horn, bone, etc.:						
(a) Pearl buttons, handles, etc.....			1			1
(b) Articles of horn, bone, tortoise shell, etc.....				2		2
Total—Group IV.....	4	5	15	145	3	172
<b>V. Chemicals, Oils, Explosives.</b>						
1. Chemicals and drugs:						
(a) Proprietary medicines.....				6		6
(b) Alkalies (sodas, potash, am- monia).....		1	2	168	2	173
(d) Other chemicals and drugs.....		1	2	65		68
2. Paints and colors:						
(a) Paints, varnishes, putty, etc....		1		7		8
(b) Dyes and colors.....				1		1
(c) Inks and adhesives.....		1		7		8
(d) Blacking, stove polish, etc.....				4		4
(e) Lead pencils, crayons, etc.....				1		1
3. Vegetable oils, perfumery, etc.:						
(b) Linseed oil.....				1		1
4. Soap, candles, etc.:						
(a) Soap.....			1	14		15
(b) Candles, stearin, tallow, etc.....				1		1
5. Mineral oils and by-products.....				9		9
7. Matches and explosives:						
(a) Matches.....		4	2	22		28
(b) Fireworks, gunpowder, etc.....				6		6
9. Building paper (chemically treated)...				3		3
Total—Group V.....		8	7	315	2	332
<b>VI. Paper and Pulp.</b>						
1. Rags and paper stock.....				1		1
2. Pulp and paper:						
(a) Pulp.....				23	1	24
(b) Pulp and paper.....			1	34	2	37
(c) Paper, cardboard, strawboard, etc.....		1	10	416	9	436
Total—Group VI.....		1	11	474	12	498
<b>VII. Printing and Paper Goods.</b>						
2. Paper goods:						
(a) Pasteboard and velvet boxes....			13	38	5	56
(b) Paper bags and sacks.....				1		1
(c) Envelopes, cards, perforated paper, etc.....		2	5	18		25
3. Printing and stationery:						
(a) Printing and publishing.....	2	6	23	63	3	97
(b) Blank books and stationery.....				4		4
(d) Playing cards, games, novelties.....				1		1
5. Photography.....				3		3
Total—Group VII.....	2	8	41	128	8	187
<b>VIII. Textiles.</b>						
1. Of silk.....			4	14		18
2. Of wool:						
(a) Carpets and rugs.....	1	15	19	157		192
(b) Felt goods.....			2	18	1	21
(c) Woolens and worsteds.....	2	7	13	85	3	110
3. Of cotton.....	1	3	21	130	2	157
4. Hosiery and knit goods (cotton or wool).....		11	27	148	3	189
5. Other textiles of silk, wool, cotton:						
(a) Dyeing, finishing, etc.....		1	1	13		15
(b) Upholstery goods.....	1			2		3
6. Of flax, hemp, jute and other fibers.....		5	19	57	4	85
7. Oil cloth, crinoline, window shades, etc.....				1		1
Total—Group VIII.....	5	42	106	625	13	791

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Table IX.—Number and Age of Persons Reported Injured—Continued.

INDUSTRIES.	Under 15 years of age.	15 years and under 16.	16 years and under 18.	18 years of age and over.	Age not reported.	Total.
<b>IX. Clothing, Millinery, Laundry, etc.</b>						
1. Tailoring and dressmaking:						
(a) Men's and boys' clothing.....			4	18		22
(b) Ladies' cloaks, waists, wraps, etc.....				3		3
2. White goods, shirts, etc.:						
(a) Shirts, collars and cuffs.....		4	6	23	3	36
(b) Women's and children's white goods.....			1	3		4
3. Men's hats and caps.....		3	1	4		8
4. (b) Hand embroideries and lace goods.....				1		1
5. Miscellaneous:						
(b) Corsets, fans, leggings, etc.....				1		1
(c) Suspenders and hose supporters.....				1		1
(e) Quilts, comfortables, etc.....				1		1
(g) Sails, flags, tents and sporting goods.....				2		2
6. Laundry, cleaning and dyeing:						
(a) Laundries.....			7	16		23
(b) Cleaning and dyeing.....			2	7		9
Total—Group IX.....		7	21	80	3	111
<b>X. Food, Tobacco and Liquors.</b>						
1. Cereals, fruits, vegetables, etc.:						
(a) Grain handling and milling.....			1	14	2	17
(b) Preserved fruits and vegetables.....	1	2	2	22	3	30
(c) Sugar, starch, yeast.....				10		10
(d) Coffee roasting and grinding, spices, etc.....					4	4
(e) Salt.....				22	1	23
2. Meats and dairy products:						
(a) Slaughtering and packing.....	1		1	16	2	20
(b) Butter.....				2		2
(d) Milk.....				6		6
3. Bakers and confectioners' goods:						
(a) Macaroni and other food pastes.....				1		1
(b) Crackers and biscuits.....		2	2	8		12
(c) Other bakery products.....			2	11	1	14
(d) Confectionery.....		1	1	10	3	15
4. Cigars, cigarettes and tobacco.....			1	1		2
5. Liquors:						
(a) Artificial ice.....				11		11
(b) Cider, etc.....				2	1	3
(c) Carbonated beverages.....				4		4
(d) Malting.....				1		1
(e) Malt liquors.....			1	2	2	5
(f) Wine and distilled liquors.....				1		1
Total—Group X.....	2	5	11	144	19	181
<b>XI. Distribution of Water, Gas and Electricity.</b>						
1. Water.....				2		2
2. Gas.....				52	1	53
3. Gas and electricity.....				1		1
4. Electric light and power.....			3	83	3	89
5. Heat and power.....				2		2
Total—Group XI.....			3	140	4	147
<b>XII. Building Industry.</b>						
1. General contracting and building.....				2		2
2. Masonry, bricklaying, etc.....				1		1
3. Carpentry.....				10		10
6. Painting and decorating.....					1	1
7. Roofing and sheet-iron working.....				2		2
8. Plumbing, gas and steam fitting.....				3		3
9. Paving and sidewalks.....				11		11
Total—Group XII.....				29	1	30
<b>XIII. Warehousing and Cold Storage.</b>						
1. Warehousing.....				2		2
Grand Total.....	21	107	490	6,090	166	6,874



TABLE IX.—NUMBER AND AGE OF PERSONS REPORTED INJURED—Continued.

(B) Women and Girls.

INDUSTRIES.	Under 15 years of age.	15 years and under 16.	16 years and under 18.	18 years of age and over.	Age not re- ported.	Total.
<b>I. Stone and Clay Products.</b>						
2. (b) Emery, garnet, graphite, rock salt, etc.....			1			1
<b>II. Metals, Machinery and Apparatus.</b>						
1. (a) Silver and silver-plated ware.....			1	3		4
2. Copper, lead, zinc, etc:						
(g) Other brass and bronze goods.....			1	2		3
(h) Lead, zinc and aluminum goods.....			2	3		5
3. Iron and steel:						
(e) Rolling mills, steel and tinplate works.....				1		1
(f) Locks, bolts, screws, etc.....				1		1
(g) Hardware, not specified.....				1		1
(n) Other wire goods.....				1		1
(o) Tinware, sheet-metal work, metal stamping, etc.....			4	20	1	25
(p) Toys, buttons and fancy metal goods.....				1		1
(u) Machinery, not otherwise specified.....			2	7		9
9. (b) Optical and photographic apparatus.....				1		1
10. Electrical apparatus:						
(a) Telephone, telegraph, fire alarm apparatus.....				9		9
(c) Dynamos, motors and electrical supplies.....			1	5		6
Total—Group II.....			11	55	1	67
<b>III. Wood Manufactures.</b>						
2. (a) Packing boxes, barrels, shooks, etc.....				1		1
5. Furniture and cabinet work:						
(a) Furniture and upholstery.....				1		1
(c) Store and office fixtures.....			2	3		5
6. Wood, cork and amber working:						
(a) Articles of cork.....			1	1		2
(d) Refrigerators and domestic appliances.....		1			1	2
(e) Other articles and appliances of wood.....				1	1	2
Total—Group III.....		1	3	7	2	13
<b>IV. Leather and Rubber Goods.</b>						
1. Manufacture of leather.....				1		1
3. Leather goods:						
(d) Boots and shoes.....			1	2		3
(e) Gloves and mittens.....				1		1
5. Articles of pearl, horn, bone, etc.:						
(a) Pearl buttons, handles, etc.....			1			1
(b) Articles of horn, bone, tortoise shell, etc.....				1		1
Total—Group IV.....			2	5		7
<b>V. Chemicals, Oils, Explosives.</b>						
1. Chemicals and drugs:						
(a) Proprietary medicines.....				1		1
(b) Alkalies, (sodas, potash, ammonia).....				1		1
5. Mineral oils and by-products.....				2		2
7. (a) Matches.....				2		2
Total—Group V.....				6		6
<b>VI. Paper and Pulp.</b>						
2. (c) Paper, cardboard, etc.....			1	1		2

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Table IX.(b)—Number and Age of Women and Girls Reported Injured—Concluded.

INDUSTRIES.	Under 15 years of age.	15 years and under 16.	16 years and under 18.	18 years of age and over.	Age not reported.	Total.
<b>VII. Printing and Paper Goods.</b>						
2. Paper goods:						
(a) Pasteboard and velvet boxes....			7	12	1	20
(c) Envelopes, cards, perforated paper, etc.....			2	5		7
3. Printing and stationery:						
(a) Printing and publishing.....		1	11	8		20
(b) Blank books and stationery....				1		1
5. Photography.....				1		1
Total—Group VII.....		1	20	27	1	49
<b>VIII. Textiles.</b>						
1. Of silk.....				5		5
2. Of wool:						
(a) Carpets and rugs.....		5	12	45		62
(b) Felt goods.....		1	1	1		2
(c) Woollens and worsteds.....	2	1	3	18	1	25
3. Of cotton.....			3	20		23
4. Hosiery and knit goods.....		1	4	30	1	36
5. (a) Dyeing, finishing, etc.....				2		2
6. Of flax, hemp, jute and other fibers....		2	12	21	3	38
Total—Group VIII.....	2	9	35	142	5	193
<b>IX. Clothing, Millinery, Laundry, etc.</b>						
1. Tailoring and dressmaking:						
(a) Men's and boys' clothing.....			2	2		4
(b) Ladies' cloaks, waists, wrappers, etc.....				2		2
2. White goods, shirts, etc.:						
(a) Shirts, collars and cuffs.....			2	9	2	13
(b) Women's and children's white goods.....		1	1	3		4
3. Men's hats and caps.....		1				1
5. (c) Quilts, comfortables, etc.....				1		1
6. Laundry, cleaning and dyeing:						
(a) Laundries.....			5	10		15
(b) Cleaning and dyeing.....			2	2		4
Total—Group IX.....		1	12	29	2	44
<b>X. Food Tobacco and Liquors.</b>						
1. Cereals, fruits, vegetables, etc.:						
(a) Grain handling and milling.....			1			1
(b) Preserved fruits and vegetables.....		1	1	1		3
2. Meats and dairy products:						
(b) Butter.....		1				1
(c) Cheese.....			1			1
3. Bakers' and confectioners' goods:						
(a) Macaroni and other food pastes.....	1					1
(b) Crackers and biscuits.....			1			1
(d) Confectionery.....		1			1	2
Total—Group X.....	1	3	4	1	1	10
<b>XI. Distribution of Water Gas and Electricity.</b>						
4. Electric light and power.....				3		3
GRAND TOTAL.....	3	15	89	276	12	395

TABLE X.—NATURE AND EXTENT

INDUSTRIES.	TEMPORARY DISABLEMENT.					
	Lacerations.	Burns.	Cuts.	Bruises.	Sprains and dislocations.	Fractures.
<b>I. Stone and Clay Products.</b>						
1. Stone:						
(a) Crushed stone.....	1	3				1
(b) Cut stone.....	10	2	3	2		7
2. Talc, garnet, rock salt, etc.:						
(a) Talc mills.....						1
(b) Emery, garnet, graphite, rock salt, etc.....	2		1			1
3. Lime, cement and plaster:						
(a) Lime.....	18	15	12	25	7	17
(b) Cement and asphalt.....	6		2	5		2
(c) Plaster and gypsum.....						
4. Brick, tile and pottery:						
(a) Common brick.....		1		1		1
(b) Terra cotta and fire-clay products.....				4		1
(c) Pottery products.....			1			
5. Glass:						
(a) Building glass.....			2			
(b) Mirrors.....						
(c) Pressed, blown and cut glassware.....		1				
(d) Bottles and jars.....	2	1				
<b>Total—Group I.....</b>	<b>39</b>	<b>23</b>	<b>21</b>	<b>37</b>	<b>7</b>	<b>31</b>
<b>II. Metals, Machinery and Apparatus.</b>						
1. Gold, silver and precious stones:						
(a) Silver and silver-plated ware.....	4		3	2		2
2. Copper, lead, zinc, etc.:						
(a) Alloys, smelting and refining.....	1	1				
(b) Copper-smiths.....	1		2			1
(c) Brass foundries.....						1
(d) Valves, hydrants, soda water apparatus, etc.....	2	1	1	2		2
(e) Gas and electric fixtures.....	1					
(f) Plumbers' supplies.....	1				1	
(g) Other brass and bronze goods.....	6	2	12	5	3	3
(h) Lead, zinc and aluminum goods.....	15		4	9	1	3
3. Iron and steel:						
(a) Iron mining.....	5		1		1	7
(b) Blast furnaces.....	10	16	10	13	1	8
(c) Architectural and structural iron.....	22	2	35	16	1	10
(d) Car wheels and railway equipment.....	25	9	10	5	3	6
(e) Rolling mills, steel and tinplate works.....	23	20	38	25	9	10
(f) Locks, bolts, screws, etc.....	3	1	4	1		
(g) Hardware, not specified.....	7	5	14	7		
(h) Cutlery.....	3		3			
(i) Tools.....	7		15	4		1
(j) Patterns, dies, stencils, etc.....	2					1
(k) Firearms.....	8	1	13	1	2	
(l) Typewriting, registering and sewing machines.....	5	2	10	1		
(n) Other wire goods.....	1		1			
(o) Tinware, sheet-metal work, metal stamping, etc.....	68	5	47	14	5	2
(p) Toys, buttons and fancy metal goods.....	1					
(q) Plating, enameling, galvanizing, etc.....	1					
(r) Cooking and heating apparatus.....	2	10	2	3		2
(s) Steam engines, boilers, pumps, etc.....	120	35	193	181	36	49
(t) Machinery, not otherwise classified.....	28	6	61	45	22	22
(v) Foundries.....	23	19	27	21	3	16
4. Railway repair shops.....	73	19	62	85	19	41
5. Vehicles:						
(a) Carriages, wagons and sleighs.....	7		5	1		
(b) Cycles and parts.....	3	1	10	1		1
(c) Vehicle wheels.....						
(d) Motor vehicles.....	5		6			2
(e) Cars (except railway car shops).....	8	2	5	13	3	4

**OF INJURIES SUSTAINED.**

PERMANENT DISABLEMENT.										
Other.	Total.	LOSS OF ONE OR BOTH—			Other.	Internal injury.	Total.	Death.	Not reported.	Grand total.
		Eyes.	Limbs.	Hands or feet.						
1	5	3			2	2	7	1	3	6
	25							4		39
	1							1		2
	4	1					1	1		6
3	97	1	1	1	6	1	10	3	1	111
8	15				3	1	4	1		23
	2							2		4
	6									6
	1				1		1			2
	2									2
	1							1		1
	1							1		1
	3							1		4
7	165	5	1	1	12	4	23	16	4	208
	11	1			7		8			19
1	3							1		4
	4				3		3			7
	1				1		1			2
	8				4		4	2		14
	1				1		1			2
	2							1		3
2	33		1		11		12			45
1	33				9		9			42
3	17			1	2		3	6		26
6	64				2		2	4	1	71
6	92				26	8	30	2	1	125
1	59	1		1	6		8			67
10	135	1	1	1	20		23	11	1	170
	9		1		1		2			11
15	48				6		6	2		56
	6				1		2			8
3	30	1			9		9	2		41
1	4				1		1			5
5	30				7		7			37
2	20	1	1		7		9			29
1	3				1		1	2		6
13	154				76		76	2		232
	1				3		3			4
	1				3		3			4
	19		1		4		5			24
71	685	5	2	2	83	6	97	9		791
15	199	2			38	1	43	4		246
11	120		1	3	16	3	23	3		146
44	343	6	1	1	28	4	40	7	1	391
1	14	1			7		8	1		23
5	21	1					1			22
1	14				1		1			15
1	36				3		3			39

Table X.—Nature and Extent of

INDUSTRIES.	TEMPORARY DISABLEMENT.					
	Lacerations.	Burns.	Cuts.	Bruises.	Sprains and dislocations.	Fractures.
<b>II. Metals, Machinery and Apparatus—Continued.</b>						
6. Ship and boat building.....	23	5	10	10	6	16
7. Agricultural implements.....	33	14	23	17	4	9
8. Musical instruments:						
(a) Pianos and parts.....	6		9	5		1
(b) Organs and other instruments.....	1					
9. Other instruments and appliances:						
(a) Scientific instruments and apparatus.....			1	1		1
(b) Optical and photographic apparatus.....	16		9	6	2	1
(c) Scales.....	1		1			1
(d) Clocks and time-recording apparatus.....	1		2			1
(e) Thermometers, meters, steam gauges, etc.....	4		4	1	1	
(f) Lamps, lanterns, reflectors, stereopticons, etc.....	11	3	8	8	2	
10. Electrical apparatus:						
(a) Telephone, telegraph, fire alarm apparatus.....	19	7	23	7	3	2
(b) Electric lamps.....		1				
(c) Dynamos, motors and electrical supplies.....	92	51	72	88	12	25
Total—Group II.....	608	238	756	598	140	251
<b>III. Wood Manufactures.</b>						
1. Lumber and house trim.....	22	1	32	21	2	13
2. Boxes and barrels:						
(a) Packing boxes, barrels, shooks, etc.....	22		27	4	1	3
(b) Cigar boxes, fancy wood boxes.....	4		3			
3. Baskets and other woven work.....			1	1		
4. Brooms.....						
5. Furniture and cabinet work:						
(a) Furniture and upholstery.....	14		27	6	3	6
(b) Caskets.....	1		1			
(c) Store and office fixtures.....	9		16	2		1
(d) Other cabinet work.....	4		2	2		3
6. Wood, cork and amber working:						
(a) Articles of cork.....	3		2			
(b) Pipes and smokers' articles.....						
(c) Wooden toys and novelties.....			9	3	1	
(d) Refrigerators and domestic appliances.....	6	1	6			1
(e) Other articles and appliances of wood.....	16	2	16	7	2	7
7. Picture frames and moldings.....	1		1			
Total—Group III.....	102	4	143	46	9	34
<b>IV. Leather and Rubber Goods.</b>						
1. Manufacture of leather.....	5	7	14	9	1	3
2. Furs, brushes, articles of hair, etc.:						
(a) Furs and fur goods.....						
(b) Brushes.....	1					
(c) Articles of hair, feathers, etc.....	1					1
3. Leather goods:						
(a) Belting, washers, etc.....	2		2	5	1	
(b) Saddlery and harness.....	1					
(c) Traveling bags and trunks.....				1		
(d) Boots and shoes.....	13	1	14	5	1	2
(e) Gloves and mittens.....			2	3		
4. Rubber and gutta percha goods.....	8	2	2	3	1	4
5. Articles of pearl, horn, bone, etc.:						
(a) Pearl buttons, handles, etc.....						
(b) Articles of horn, bone, tortoise shell, etc.....	1					
Total—Group IV.....	32	10	34	26	4	10

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## Injuries Sustained—Continued.

PERMANENT DISABLEMENT.										
Other.	Total.	LOSS OF ONE OR BOTH—			Other.	Internal injury.	Total.	Death.	Not reported.	Grand total.
		Eyes.	Limbs.	Hands or feet.						
16	86	4			6	3	13	6		106
11	111			1	26		27	2		140
2	23				8		8			31
	1									1
1	4	1					1			5
	34				13		13			47
	3				3		3			6
	4				3		3			7
3	13				1		1			14
1	33				13		13	1		47
8	69				14	1	15			84
	1				1		1			2
31	371	2	2	1	53	1	59	2		432
292	2,973	28	12	11	529	22	602	70	4	3,649
4	95		8	5	61	1	70	7		172
3	60	1	1		21		23			83
1	8				3		3			11
	2									2
								1		1
2	58	1	1		41		43	8		109
	2				2		2			4
3	81				17		17			48
2	13	1			5		6	2		21
1	6									6
					1		1			1
1	14				3		3			17
	14				7		7			21
2	52	1		1	11	1	14	1		67
	2				1		1			3
19	357	4	5	6	173	2	190	19		566
	39		3	2	10		15	5		59
			1				1	1		2
	1		1				1			2
	2				1		1			3
1	11				3		3			14
	1				1		1			2
1	1									1
1	37				14		14	2		53
	5									5
2	22			1	5		6			28
1	1									1
	1				1		1			2
5	121		5	3	35		43	8		172

Table X.—Nature and Extent of

INDUSTRIES.	TEMPORARY DISABLEMENT.					
	Lacerations.	Burns.	Cuts.	Bruises.	Sprains and dislocations.	Fractures.
<b>V. Chemicals, Oils and Explosives.</b>						
1. Chemicals and drugs:						
(a) Proprietary medicines.....	3		1			
(b) Alkalies (sodas, potash, ammonia).....	13	38	26	47	8	17
(d) Other chemicals and drugs.....	7	26	8	13	1	4
2. Paints and colors:						
(a) Paints, varnishes, putty, etc.....	1	1	1			
(b) Dyes and colors.....						
(c) Inks and adhesives.....	2		2		1	1
(d) Blacking, stove polish, etc.....			1			
(e) Lead pencils, crayons, etc.....						
3. Vegetable oils, perfumery, etc.:						
(b) Linseed oil.....						1
4. Soap, candles, etc.:						
(a) Soap.....	1	5	1			1
(b) Candles, stearin, tallow, etc.....				1		
5. Mineral oils and by-products.....	2					
7. Matches and explosives:						
(a) Matches.....	5		9	4	1	2
(b) Fireworks, gunpowder, etc.....			1		1	
9. Building paper (chemically treated).....				1	1	1
Total—Group V.....	34	70	50	66	13	27
<b>VI. Paper and Pulp.</b>						
1. Rags and paper stock.....						1
2. Pulp and paper:						
(a) Pulp.....	7		2	4		1
(b) Pulp and paper.....	10		3	4	4	5
(c) Paper, cardboard, strawboard, etc.....	75	27	81	80	26	35
Total—Group VI.....	92	27	86	88	30	42
<b>VII. Printing and Paper Goods.</b>						
2. Paper goods:						
(a) Pasteboard and velvet boxes.....	18	1	18	7	1	1
(b) Paper bags and sacks.....			1			
(c) Envelopes, cards, perforated paper, etc.....	7		7	2	1	
3. Printing and stationery:						
(a) Printing and publishing.....	30	1	18	6	1	9
(b) Blank books and stationery.....			1			
(d) Playing cards, games, novelties.....	1					
5. Photography.....	1		2			
Total—Group VII.....	57	2	47	15	3	7
<b>VIII. Textiles.</b>						
1. Of silk.....	7	1	2	3		2
2. Of wool:						
(a) Carpets and rugs.....	17	17	71	35	12	10
(b) Felt goods.....	7			3		1
(c) Woolens and worsteds.....	30	7	23	19	7	4
3. Of cotton.....	37	9	30	22	6	11
4. Hosiery and knit goods (cotton or wool).....	60	6	42	8	5	14
5. Other textiles of silk, wool, cotton:						
(a) Dyeing, finishing, etc.....	5		3	3		2
(b) Upholstery goods.....			1			1
6. Of flax, hemp, jute and other fibres.....	16	4	12	10	1	11
7. Oilcloth, crinoline, window-shades, etc.....						
Total—Group VIII.....	179	44	184	103	31	56

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## Injuries Sustained—Continued.

		PERMANENT DISABLEMENT.								
Other.	Total.	LOSS OF ONE OR BOTH—			Other.	Internal injury.	Total.	Death.	Not reported.	Grand total.
		Eyes.	Limbs.	Hands or feet.						
2	6									6
15	164	1			5	1	7	2		173
2	61	1			3		4	3		68
	3				4		4	1		1
					1		1			8
1	7				1		1			8
	1				3		3			4
								1		1
	1									
	8				1		1	6		15
	1									1
2	4		1		4		5			9
2	23				5		5			28
	2							4		6
	3									3
24	284	2	1		27	1	31	17		332
	1									1
3	17				6		6	1		24
2	28				6		6	3		37
26	350	2	2	3	63	8	78	8		436
31	396	2	2	3	75	8	90	12		498
1	47				9		9			56
	1									1
	17				8		8			25
7	69		3	2	22		27		1	97
1	2			2	2		2			4
	1									1
	3									3
9	140		3	2	41		46		1	187
1	16				2		2			18
9	171	1	2	2	12	1	18	3		192
2	13			1	5		6	2		21
3	93				14		14	3		110
13	128	1	1	4	20	2	28	1		157
13	148		1	1	37		39	2		189
2	15									15
1	3									3
11	65		2	1	17		20			85
1	1									1
56	653	2	6	9	107	3	127	11		791



Table X.—Nature and Extent of

## TEMPORARY DISABLEMENT.

INDUSTRIES.	TEMPORARY DISABLEMENT.					
	Lacerations.	Burns.	Cuts.	Bruises.	Sprains and dislocations.	Fractures.
<b>IX. Clothing, Millinery, Laundry, Etc.</b>						
1. Tailoring and dressmaking:						
(a) Men's and boys' clothing.....	3		3	1		
(b) Ladies' cloaks, waists, wrappers, etc.....				1		1
2. White goods, shirts, etc.:						
(a) Shirts, collars and cuffs.....	7	1	6	8	4	1
(b) Women's and children's white goods.....		1				1
3. Men's hats and caps.....	3		2	2		
4. Millinery, art embroideries, lace goods, etc.:						
(b) Hand embroideries and lace goods.....						1
5. Miscellaneous:						
(b) Corsets, fans, leggins, etc.....			1			
(c) Suspenders and hose supporters.....	1					
(e) Quilts, comfortables, etc.....		1				
(g) Sails, flags, tents and sporting goods.....	1					1
6. Laundry, cleaning and dyeing:						
(a) Launderies.....	8	1		2	1	2
(b) Cleaning and dyeing.....		2		1	2	1
Total—Group IX.....	23	6	12	15	7	8
<b>X. Food, Tobacco and Liquors.</b>						
1. Cereals, fruits, vegetables, etc.:						
(a) Grain handling and milling.....	2			3	1	4
(b) Preserved fruits and vegetables.....	4	2	5	1	1	5
(c) Sugar, starch, yeast.....		2	1	1		
(d) Coffee roasting and grinding, spices, etc.....	1					
(e) Salt.....	2	4	1	5	3	2
2. Meats and dairy products:						
(a) Slaughtering and packing.....	2		4	2	2	3
(b) Butter.....						
(d) Milk.....	4					1
3. Bakers and confectioners' goods:						
(a) Macaroni and other food pastes.....						
(b) Crackers and biscuits.....	3		1		1	
(c) Other bakery products.....	4	4	1			1
(d) Confectionery.....	4	1	2	1		
4. Cigars, cigarettes and tobacco.....	1					
5. Liquors:						
(a) Artificial ice.....		2				
(b) Cider, etc.....	1					
(c) Carbonated beverages.....			2			1
(d) Malting.....			1			
(e) Malt liquors.....	1	1				1
(f) Wine and distilled liquors.....						
Total—Group X.....	30	16	18	13	8	18
<b>XI. Distribution of Water, Gas and Electricity.</b>						
1. Water.....		1				
2. Gas.....	3	4	6	11	6	5
3. Gas and electricity.....	1					
4. Electric light and power.....	14	17	8	11	9	2
5. Heat and power.....						
Total—Group XI.....	18	22	14	22	15	7
<b>XII. Building Industry.</b>						
1. General contracting and building.....	1					
2. Masonry, bricklaying, etc.....				1		
3. Carpentry.....	2					2
6. Painting and decorating:						
(c) Painting, paper hanging, etc.....						1
7. Roofing and sheet-iron working.....	1					
8. Plumbing, gas and steam fitting.....			1			1
9. Paving and sidewalks.....		2		3	1	1
Total—Group XII.....	4	2	1	4	1	5
<b>XIII. Warehousing and Cold Storage.</b>						
			1			
GRAND TOTAL.....	1,308	464	1,367	1,033	268	497

## Injuries Sustained—Concluded.

PERMANENT DISABLEMENT.							Death.	Not reported.	Grand total.	
Other.	Total.	LOSS OF ONE OR BOTH—			Other.	Internal injury.				Total.
		Eyes.	Limbs.	Hands or feet.						
4	11				5	2	7	4	22	
	2					1	1		3	
3	30				6		6		36	
1	3				1		1		4	
	7		1				1		8	
	1								1	
	1								1	
	1								1	
	1								1	
	2								2	
	14		1	2	6		9		23	
1	7				1		1	1	9	
9	80		2	2	19	3	26	5	111	
2	13				2		2	2	17	
	18		1		8		9	3	30	
	4				2		2	4	10	
1	2			1	1		2		4	
	17				5	1	6		23	
1	14	1		1	4		6		20	
1	6				1		1	1	6	
	5		1	1	1		1		1	
1	11				5		7		12	
1	9				3		3		14	
	1				6		6		15	
	1				1		1		2	
4	6							5	11	
	1				1		1	1	3	
	3	1					1		4	
	1								1	
1	4							1	5	
						1	1		1	
12	115	2	2	3	40	2	49	17	181	
	1				1		1		2	
16	51				2		2		53	
	1								1	
17	78	1			5		6	5	89	
								1	2	
33	131	1			8		9	6	147	
	1							1	2	
	1								1	
	4				6		6		10	
	1								1	
	1				1		1		2	
	2				1		1		3	
1	8				3		3		11	
1	18				11		11	1	30	
	2								2	
498	5,435	46	39	40	1,077	45	1,247	182	6,874	

TABLE XI.—NUMBER, AGE AND SEX OF PERSONS PERMANENTLY DISABLED IN FACTORIES AND QUARRIES.

INDUSTRIES.	MALES.					FEMALES.		Grand total.
	Under 16 years.	16 and under 18.	18 years and over.	Age not stated.	Total.	Under 16 years.	16 years and over.	
I. Stone and Clay Products.								
1. (b) Cut stone.....			7		7			7
2. (b) Emery, garnet, graphite, rock salt, etc.....			1		1			1
3. (b) Cement and asphalt.....		1	9		10			10
4. (c) Plaster and gypsum.....			4		4			4
4. (c) Pottery products.....			1		1			1
Total—Group I.....		1	22		23			23
II. Metals, Machinery and Apparatus.								
1. (a) Silver and silver-plated ware.....			8		8			8
2. Copper, lead, zinc, etc.:								
b Copper-smiths.....			3		3			3
c Brass foundries.....			1		1			1
d Valves, hydrants, soda-water apparatus, etc.....			4		4			4
e Gas and electric fixtures.....			1		1			1
g Other brass and bronze goods.....		1	8	1	10		2	12
h Lead, zinc and aluminum goods.....		3	6		9			9
3. Iron and steel:								
a Iron mining.....			3		3			3
b Blast furnaces.....			2		2			2
c Architectural and structural iron.....	1		29		30			30
d Car wheels and railway equipment.....		1	7		8			8
e Rolling mills, steel and tinplate works.....		1	22		23			23
f Locks, bolts, screws, etc.....		2	2		2			2
g Hardware, not specified.....			5		5		1	6
h Cutlery.....			1	1	2			2
i Tools.....		1	8		9			9
j Patterns, dies, stencils, etc.....		1	1		1			1
k Firearms.....			7		7			7
l Typewriting, registering and sewing machines.....		1	8		9			9
n Other wire goods.....			1		1			1
o Tinware, sheet-metal work, metal stamping, etc.....	1	11	52		64		12	76
p Toys, buttons and fancy metal goods.....			2		2		1	3
q Plating, enameling, galvanizing, etc.....	1		2		3			3
r Cooking and heating apparatus.....			5		5			5
t Steam engines, boilers, pumps, etc.....		2	95		97			97
u Machinery, not otherwise classified.....		2	41		43			43
v Foundries.....			23		23			23
4. Railway repair shops.....			40		40			40
5. Vehicles:								
a Carriages, wagons and sleighs.....			8		8			8
b Cycles and parts.....			1		1			1
c Vehicle wheels.....			1		1			1
d Motor vehicles.....			1		1			1
e Cars (except railway car shops).....			3		3			3
6. Ship and boat building.....		1	12		13			13
7. Agricultural implements.....		2	25		27			27
8. (a) Pianos and parts.....			8		8			8
9. Other instruments and appliances:								
a Scientific instruments and apparatus.....			1		1			1
b Optical and photographic apparatus.....		2	11		13			13
c Scales.....			3		3			3
d Clocks and time-recording apparatus.....			3		3			3
e Thermometers, meters and steam gauges, etc.....			1		1			1
f Lamps, lanterns, reflectors, stereopticons etc.....		2	11		13			13

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Table XI.—Number, Age and Sex of Persons Permanently Disabled in Factories and Quarries—Continued.

INDUSTRIES.	MALES.					FEMALES.		Grand total.
	Under 16 years.	16 and under 18.	18 years and over.	Age not stated.	Total.	Under 16 years.	16 years and over.	
<b>II. Metals, Machinery and Apparatus—Con.</b>								
10. Electrical apparatus:								
a Telephone, telegraph, fire alarm apparatus.....			13		13		2	15
b Electric lamps.....			1		1			1
c Dynamos, motors and electrical supplies.....			58		58		1	59
Total—Group II.....	3	20	548	2	583		19	602
<b>III. Wood Manufactures.</b>								
1. Lumber and house trim.....	2	2	66		70			70
2. Boxes and barrels:								
a Packing boxes, barrels, shooks, etc.	1	3	18	1	23			23
b Cigar boxes, fancy wood boxes.....		2	1		3			3
5. Furniture and cabinet work:								
a Furniture and upholstery.....		1	40	2	43			43
b Caskets.....			2		2			2
c Store and office fixtures.....		1	15		16		1	17
e Other cabinet work.....			6		6			6
6. Wood, cork and amber working:								
b Pipes and smokers' articles.....			1		1			1
c Wooden toys and novelties.....		1	2		3			3
d Refrigerators and domestic appliances.....			7		7			7
e Other articles and appliances of wood.....			13		13		1	14
7. Picture frames and moldings.....			1		1			1
Total—Group III.....	3	10	172	3	188		2	190
<b>IV. Leather and Rubber Goods.</b>								
1. Manufacture of leather.....		1	14		15			15
2. Furs, brushes, articles of hair, etc.:								
a Furs and fur goods.....			1		1			1
b Brushes.....			1		1			1
c Articles of hair, feathers, etc.....			1		1			1
3. Leather goods:								
a Belting washers, etc.....			3		3			3
b Saddlery and harness.....			1		1			1
d Boots and shoes.....	2	1	11		14			14
4. Rubber and gutta percha goods.....			6		6			6
5. (b) Articles of horn, bone, tortoise shell, etc.....							1	1
Total—Group IV.....	2	2	38		42		1	43
<b>V. Chemicals, Oils and Explosives.</b>								
1. Chemicals and drugs:								
b Alkalies, (sodas, potash, ammonia).....			7		7			7
d Other chemicals and drugs.....			4		4			4
2. Paints and colors:								
a Paints, varnishes, putty, etc.....	2		1	1	4			4
b Dyes and colors.....			1		1			1
c Inks and adhesives.....			1		1			1
d Blacking, stove polish, etc.....			3		3			3
4. (a) Soap.....			1		1			1
5. Mineral oils and by-products.....			4		4		1	5
7. (a) Matches.....	2		2		4		1	5
Total—Group V.....	4		24	1	29		2	31
<b>VI. Paper and Pulp.</b>								
2. (a) Pulp.....			6		6			6
(b) Pulp and paper.....			6		6			6
(c) Paper, cardboard, strawboard, etc.....		1	75	1	77		1	78
Total—Group VI.....		1	87	1	89		1	90

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Table XI.—Number, Age and Sex of Persons Permanently Disabled in Factories and Quarries—Continued.

INDUSTRIES.	MALES.					FEMALES.		
	Under 16 years.	16 and under 18.	18 years and over.	Age not stated.	Total.	Under 16 years.	16 years and over.	Grand total.
<b>VII. Printing and Paper Goods.</b>								
2. Paper goods:								
a Pasteboard and velvet boxes		1	5	1	7		2	9
c Envelopes, cards, perforated paper, etc.	1		5		6		2	8
3. Printing and stationery:								
a Printing and publishing	1	1	20		22		5	27
b Blank books and stationery			1		1		1	2
Total—Group VII.	2	2	31	1	36		10	46
<b>VIII. Textiles.</b>								
1. Of silk		1			1		1	2
2. Of wool:								
a Carpets and rugs	1		12		13		5	18
b Felt goods			6		6			6
c Woolens and worsteds	2	1	6		9	1	4	14
3. Of cotton	1		22		23		5	28
4. Hosiery and knit goods (cotton or wool)	1	4	26		31		8	39
6. Of flax, hemp, jute and other fibres	1	2	8	1	12		8	20
Total—Group VIII.	6	8	80	1	95	1	31	127
<b>IX. Clothing, Millinery, Laundry, Etc.</b>								
1. (a) Men's and boys' clothing		1	6		7			7
(b) Ladies' cloaks, waists, wrappers, etc.				1	1			1
2. (a) Shirts, collars and cuffs	1	2	3		6			6
(b) Women's and children's white goods							1	1
3. Men's hats and caps			1		1			1
6. Laundry, cleaning and dyeing:								
a Laundries			2		2		7	9
b Cleaning and dyeing				1	1			1
Total—Group IX.	1	3	12	2	18		8	26
<b>X. Food, Tobacco and Liquors.</b>								
1. Cereals, fruits, vegetables, etc.:								
a Grain handling and milling			2		2			2
b Preserved fruits and vegetables	1		8		9			9
c Sugar, starch, yeast			1	1	2			2
d Coffee roasting and grinding, spices, etc.								
e Salt			6		6			6
2. Meats and dairy products:								
a Slaughtering and packing			4	1	5	1		6
b Butter			1		1			1
3. Bakers' and confectioners' goods:								
a Macaroni and other food pastes			1		1			1
b Crackers and biscuits			6		6		1	7
c Other bakery products			2		2		1	3
d Confectionery			4	1	5		1	6
4. Cigar-, cigarette- and tobacco			1		1			1
5. Liquors:								
b Cider, etc.			1		1			1
c Carbonated beverages			1		1			1
f Wine and distilled liquors			1		1			1
Total—Group X.	1		39	5	45	1	3	49
<b>XI. Distribution of Water, Gas and Electricity.</b>								
1. Water			1		1			1
2. Gas			2		2			2
4. Electric light and power			6		6			6
Total—Group XI.			9		9			9

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Table XI.—Number, Age and Sex of Persons Permanently Disabled in Factories and Quarries—Concluded.

INDUSTRIES.	MALES.					FEMALES.		
	Under 16 years.	16 and under 18.	18 years and over.	Age not stated.	Total.	Under 16 years.	16 years and over.	Grand total.
XII. Building Industry.								
3. Carpentry.....			6		6			6
7. Roofing and sheet-iron working.....			1		1			1
8. Plumbing, gas and steam fitting.....			1		1			1
9. Paving and sidewalks.....			3		3			3
Total—Group XII.....			11		11			11
GRAND TOTAL.....	22	57	1,078	16	1,168	2	77	1,247

**TABLE XII.—NUMBER, AGE AND SEX OF PERSONS REPORTED  
KILLED IN FACTORIES AND QUARRIES.**

INDUSTRIES.		Under 15 years of age.	15 years and under 16.	16 years and under 18.	18 years of age and over.	Age not stated.	Total
<b>I. Stone and Clay Products.</b>							
1. Stone:				1	4		4
a Crushed stone.							1
b Cut stone.							4
2. Talc, garnet, rock salt, etc.:					1		1
a Talc mills.					1		1
b Emery, garnet, graphite, rock salt, etc.							
3. Lime, cement and plaster:					1		1
a Lime.					3		3
b Cement and asphalt.					1		1
c Plaster.					2		2
4. (a) Brick.					1		1
5. Glass.					1		1
b Mirrors.					1		1
d Bottles and jars.							
Total—Group I.				1	15		16
<b>II. Metals, Machinery and Apparatus.</b>							
2. Copper, lead, zinc, etc.:					1		1
a Alloys, smelting and refining.					2		2
d Valves, hydrants, soda water apparatus, etc.					1		1
f Plumbers' supplies.							
3. Iron and steel:					3	3	6
a Iron mining.					4		4
b Blast furnaces.					2		2
c Architectural and structural iron.					1	10	11
e Rolling mills, steel and tinplate works.					2		2
g Hardware (not specified).					2		2
i Tools.					2		2
n Other wire goods.					2		2
o Tinware, sheet-metal work, metal stamping, etc.					9		9
s Steam engines, boilers, pumps, etc.					4		4
u Machinery not otherwise classified.					3		3
v Foundries.					7		7
4. Railway repair shops.					1		1
5. (a) Carriages, wagons and sleighs.					4	2	6
6. Ship and boat building.					2		2
7. Agricultural implements.					1		1
9. (f) Lamps lanterns, reflectors, etc.					2		2
10. (c) Dynamos, motors, and electrical supplies.							
Total—Group II.				1	64	5	70
<b>III. Wood Manufactures.</b>							
1. Lumber and house trim.		1	1		5		7
4. Brooms.					1		1
5. Furniture and cabinet work.					2		2
a Furniture and upholstery.					2		2
e Other cabinet work.					1		1
6. (e) Other articles and appliances of wood.							
Total—Group III.		1	1		17		19
<b>IV. Leather and Rubber Goods.</b>							
1. Manufacture of leather.					5		5
2. (a) Furs and fur goods.					1		1
3. (d) Boots and shoes.					2		2
Total—Group IV.					8		8
<b>V. Chemicals, Oils, Explosives.</b>							
1. Chemicals and drugs:					2		2
b Alkalies (sodas, potash, ammonia).					2		2
d Other chemicals and drugs.		1					1
2. Paints and colors:					1		1
a Paints, varnishes, putty, etc.					1		1
e Lead pencils, crayons, etc.					1		1
a One of this number was a woman.							

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Table XII.—Number, Age and Sex of Employees Reported Killed in Factories and Quarries—Conclud-d.

INDUSTRIES.	Under 15 years of age.	15 years and under 16.	16 years and under 18.	18 years of age and over.	Age not stated.	Total.
<b>V. Chemicals, Oils, Explosives—Continued.</b>						
4. (a) Soap.....				6		6
7. (b) Fireworks, gunpowder, etc.....				4		4
Total—Group V.....		1		16		17
<b>VI. Paper and Pulp.</b>						
2. (a) Pulp.....				1		1
(b) Pulp and paper (principal product not reported).....				3		3
(c) Paper, cardboard, strawboard, etc.....				8		8
Total—Group VI.....				12		12
<b>VIII. Textiles.</b>						
2. Of wool:						
a Carpets and rugs.....		1		2		3
b Felt goods.....				2		2
c Woolens and worsteds.....			1	2		3
3. Of cotton.....				1		1
4. Hosiery and knit goods (cotton and wool).....		1		1		2
Total—Group VIII.....		2	1	8		11
<b>IX. Clothing, Millinery, Laundry.</b>						
1. (a) Men's and boys' clothing.....				3		3
(b) Ladies' cloaks, waists, wrappers, etc.....				1		1
6. (b) Cleaning and dyeing.....				1		1
Total—Group IX.....				5		5
<b>X. Food, Tobacco and Liquors.</b>						
1. Cereals, fruits, vegetables, etc.:						
a Grain handling and milling.....				2		2
b Preserved fruits and vegetables.....			1	2		3
c Sugar, starch, yeast.....				4		4
2. (b) Butter.....				1		1
6. Liquors (including ice):						
a Artificial ice.....				5		5
b Cider, etc.....				1		1
c Malting.....				1		1
Total—Group X.....			1	16		17
<b>XI. Distribution of Water, Gas and Electricity.</b>						
4. Electric light and power.....				5		5
5. Heat and power (steam, etc).....				1		1
Total—Group XI.....				6		6
<b>XII. Building Industry.</b>						
1. General contracting and building.....				1		1
GRAND TOTAL.....		4	5	6168	5	182

a One of this number was a woman.  
b Includes two females.



TABLE XIII.—CAUSES OF ACCI

INDUSTRY.	MACHINERY.					
	Gear- ing, belts, shaft- ing, pul- leys, etc.	Eleva- tors, hoists, cranes.	Saws, planes, lathes.	Presses, stamp- ing ma- chines.	Emery wheels, buffers.	Cotton and woolen ma- chines.
<b>I. Stone and Clay Products.</b>						
1. Stone:						
a Crushed stone.....		1				
b Cut stone.....	2	7	3			
2. Talc, garnet, rock salt, etc.:						
a Talc mills.....		1				
b Emery, garnet, graphite, rock salt, etc.....		1		2		
3. Lime, cement and plaster:						
a Lime.....		3		1		
b Cement and asphalt.....	9	1	2			
c Plaster and gypsum.....	1					
4. Brick, tile and pottery:						
a Common brick.....	1			1		
b Terra cotta and fire-clay products.....						
c Pottery products.....						
5. Glass:						
a Building glass.....		1				
b Mirrors.....		1				
c Pressed, blown and cut-glass ware.....						
d Bottles and jars.....						
Total—Group I.....	13	15	5	4		
<b>II. Metals, Machinery and Apparatus.</b>						
1. Gold, silver and precious stones:						
a Silver and silver-plated ware.....	1	1		6		
2. Copper, lead, zinc, etc.:						
a Alloys, smelting and refining.....		1				
b Coppermiths.....				3	1	
c Brass foundries.....	1					
d Valves, hydrants, soda-water apparatus, etc.....	2	2	2			
e Gas and electric fixtures.....				1		
f Plumbers' supplies.....		2				
g Other brass and bronze goods.....				7	2	
h Lead, zinc and aluminum goods.....	3	2		16		
3. Iron and steel:						
a Iron mining.....		15				
b Blast furnaces.....	1	6				
c Architectural and structural iron.....	1	12	6	15		2
d Car wheels and railway equipment.....	2	1	8	1		5
e Rolling mills, steel and tinplate works.....	2	10		4		2
f Locks, bolts, screws, etc.....	2					2
g Hardware, not specified.....	3	2	2	7		8
h Cutlery.....			1	1		1
i Tools.....	2		9	5		10
j Patterns, dies, stencils, etc.....	1			3		1
k Firearms.....	2		2	5		3
l Typewriting, registering and sewing machines.....		2	3	9		2
m Other wire goods.....		1		1		
n Tinware, sheet-metal work, metal stamping, etc.....	5	6	10	104		8
p Toys, buttons and fancy metal goods.....	1			3		
q Plating, enameling, galvanizing, etc.....		1	1	2		
r Cooking and heating apparatus.....	6			1		
s Steam engines, boilers, pumps, etc.....	31	94	42	14		14
t Machinery, not otherwise specified.....	19	14	22	19		17
u Foundries.....	7	28	8	4		1
4. Railway car shops.....	13	26	27	7		6
5. Vehicles:						
a Carriages, wagons and sleighs.....	1	2	10	1		
b Cycle and parts.....	1		4	1		3
c Vehicle wheels.....						
d Motor vehicles.....			3	1		2
e Cars (except railway car shops).....		1	4			
6. Ship and boat building.....	5	4	3			1
7. Agricultural implements.....	10	7	19	5		7

## DENTS IN EACH INDUSTRY.

Other machines and machine tools.	Total.	Hand tools (axes, saws, hammers).	Explosives of all kinds.	Hot liquids, acids, steam, etc.	Collapse of building, falling objects, etc.	Fall of person.	Handling merchandise.	Vehicles.	All others.	Grand total.
1	1		3		1			1		6
	13		2		10	3	5	2	4	39
3	1				1					2
	6									6
11	24	2	3	12	1	10	12	10	17	1
3	7	1			21	3	2	1	4	111
					5					23
	1				2	1				4
2	2		1		1	1	2			6
										2
	1								2	2
										1
1	1			1	1				1	1
										4
21	58	3	9	14	43	18	21	14	28	208
8	16	1			1		1			19
	1			2	1					4
2	6			1						7
1	2									2
3	9		1	1		1	2			14
	1						1			2
	2						1			3
14	23			1	1		10		8	45
9	30			1	2	2	3		7	42
2	17		2		4			2	1	26
9	16	1	2	14	13	4	10	3	8	71
28	64	3	1	1	11	4	22	2	17	125
8	25	6		9	3	4	11	4	5	67
59	77	6		16	17	9	23	6	16	170
6	10				1					11
12	34	1		5	4	2	1	1	8	56
5	8									8
7	33	1			1		2		4	41
	5									5
13	25	1	1	1	1	3	2		3	37
5	21		2	1	2				3	29
4	6									6
32	165	1		5	7	2	26	5	21	232
	4									4
	4									4
1	8	1		10			3	1	1	24
185	380	66	6	28	73	44	105	9	82	791
48	139	8	4	5	20	13	27	5	25	246
20	68	3		20	14	6	20	1	14	146
65	144	40	3	16	43	24	47	7	67	391
8	22					1				23
4	16	1	1		2	1			1	22
1	1									1
5	11	2			1				1	15
6	11	3		2	9		7	4	3	39
11	24	8	2	2	23	21	9	1	13	105
31	7	4		16	8	8	17	5	4	140

Table XIII.—Causes of Accidents

INDUSTRY.	MACHINERY.					
	Gear- ing, belts, shaft- ing, pul- leys, etc.	Eleva- tors, hoists, cranes.	Saws, planes, lathes.	Presses, stamp- ing ma- chines.	Emery wheels, buffers.	Cotton and woolen ma- chines.
<b>II. Metals, Machinery, Etc.—Continued.</b>						
8. Musical instruments:						
a Pianos and parts.....	2		14			
b Organs and other instruments.....			1			
9. Other instruments and appliances:						
a Scientific instruments and apparatus.....	2	1		1	1	
b Optical and photographic apparatus.....	2	2	12	19		
c Scales.....	1		1	1		
d Clocks and time-recording apparatus.....	2	1	3			
e Thermometers, meters, steam gauges, etc.....	2	1	1	4	1	
f Lamps, lanterns, reflectors, stereopticons, etc.....	2		1	18	3	
10. Electrical apparatus:						
a Telephone, telegraph, fire alarm apparatus.....	1	1	8	21	2	
b Electric lamps.....		1				
c Dynamos, motors and electrical supplies.....	21	45	43	17	5	
Total—Group II.....	155	292	270	327	110	3
<b>III. Wood Manufactures.</b>						
1. Lumber and house trim.....	21	1	107		1	
2. Boxes and barrels:						
a Packing boxes, barrels, shooks, etc.....	6		44	2		
b Cigar boxes, fancy wood boxes.....			6	2		
3. Baskets and other woven work.....			2			
4. Brooms.....	1					
5. Furniture and cabinet work:						
a Furniture and upholstery.....	3	7	55		1	
b Caskets.....			3			
c Store and office fixtures.....	1		26	7		
e Other cabinet work.....	4		8	2	1	
6. Wood, cork and amber working:						
a Articles of cork.....	1	1	1			1
b Pipes and smokers' articles.....						
c Wooden toys and novelties.....		2	6	1		
d Refrigerators and domestic appliances.....	1		12			
e Other articles and appliances of wood.....	5	1	18	8	1	
7. Picture frames and moldings.....			2			
Total—Group III.....	43	12	290	22	4	1
<b>IV. Leather and Rubber Goods.</b>						
1. Manufacture of leather.....	3	4		1		
2. Furs, brushes, articles of hair, etc.:						
a Furs and fur goods.....	1	1				
b Brushes.....	1					
c Articles of hair, feathers, etc.....	1		1			
3. Leather goods:						
a Belting, washers, etc.....			1	2		
b Saddlery and harness.....		1				
c Traveling bags and trunks.....						
d Boots and shoes.....	6	1	1		1	
e Gloves and mittens.....		1		1		
4. Rubber and gutta percha goods.....	1	1	2	2		
5. Articles of pearl, horn, bone, etc.:						
a Pearl buttons, handles, etc.....						
b Articles of horn, bone, tortoise shell, etc.....	1					
Total—Group IV.....	14	9	5	6	1	
<b>V. Chemicals, Oils, Explosives.</b>						
1. Chemicals and drugs:						
a Proprietary medicines.....		2		1		
b Alkalies (sodas, potash, ammonia).....	4	18			1	
d Other chemicals and drugs.....	4	4		1		

## In Each Industry—Continued.

Other machines and machine tools.	Total.	Hand tools (axes, saws, hammers).	Explosives of all kinds.	Hot liquids, acids, steam, etc.	Collapse of building, falling objects, etc.	Fall of person.	Handling merchandise.	Vehicles.	All others.	Grand total.
7	23	1			3	1		1	2	31
	1									1
	3				2					5
7	42	1				1			3	47
3	6									6
	6	1								7
2	11					1	1		1	14
8	32	1		3	3	1	3		4	47
15	48	2		5	5	4	8	1	11	84
	1			1						2
80	211	25	6	52	29	16	47	14	82	432
734	1,891	189	31	215	304	173	409	72	365	3,649
24	154	2	1	1	6	2	1	2	3	172
17	69				2	2	2	2	6	83
3	11									11
	2									2
	1									1
25	91	2		1	1	3	2		9	109
1	4									4
10	44	1		1			2			48
2	17	1			1	2				21
2	6									6
1	1									1
7	16					1				17
4	17				1	2			1	21
14	47	2	2		4	2	6		4	67
1	3									3
111	483	8	3	3	15	14	13	4	23	566
31	39	2	3	6	2	2	1	2	2	59
	2									2
1	2									2
	2						1			3
3	6	1		1	2	1	2		1	14
1	2									2
										1
31	40	4		1	1	4			1	53
2	4				1					5
9	15			3	1	3	4		2	28
1	1									1
1	2									2
80	115	7	3	11	10	10	8	2	6	172
3	6									6
17	40	15	5	40	12	15	12	9	25	173
2	11	5	1	28	4	2	6	1	10	68

Table XIII.—Cause of Accidents

INDUSTRY.	MACHINERY.					
	Gear- ing, belts, shaft- ing, pul- leys, etc.	Eleva- tors, hoists, cranes.	Saws, planes, lathes.	Presses, stamp- ing ma- chines.	Emery wheels, buffers.	Cotton and woolen ma- chines.
<b>V. Chemicals, Oils, Explosives—Continued.</b>						
2. Paints and colors:						
a. Paints, varnishes, putty, etc.		1				
b. Dyes and colors			1			
c. Inks and adhesives		3				
d. Blacking, stove-pollah, etc.				4		
e. Lead pencils, crayons, etc.						
3. Vegetable oils, perfumery, etc.:						
b. Linseed oil						
4. Soap, candles, etc.:						
a. Soap		4		1		
b. Candles, stearin, tallow, etc.						
5. Mineral oils and by-products	1		1	4		
7. Matches and explosives:						
a. Matches	5		2			
b. Fireworks, gun-powder, etc.						
9. Building paper, (chemically treated)						
Total—Group V.	14	32	4	11	1	
<b>VI. Paper and Pulp.</b>						
1. Rags and paper stock				1		
2. Pulp and paper:						
a. Pulp	3	1	3			
b. Pulp and paper	2	2	3			
c. Paper, cardboard, strawboard, etc.	57	29	9	2	5	
Total—Group VI.	62	32	15	3	5	
<b>VII. Printing and Paper Goods.</b>						
2. Paper goods:						
a. Pasteboard and velvet boxes	2		5	5		
b. Paper bags and sacks	1					
c. Envelopes, cards, perforated paper, etc.		1		1		
3. Printing and stationery:						
a. Printing and publishing	7	1	2	48		
b. Blank books and stationery						
d. Playing cards, games, novelties						
5. Photography			1			
Total—Group VII.	10	2	8	54		
<b>VIII. Textiles.</b>						
1. Of silk	6	1				3
2. Of wool:						
a. Carpets and rugs	31	2	4	1	2	86
b. Felt goods	8	1				4
c. Woolens and worsteds	27	3	1	2		44
3. Of cotton	29	8	4	1	1	36
4. Hosiery and knit goods (cotton or wool)	39	6	4	2		59
5. Other textiles of silk, wool, cotton:						
a. Dyeing, finishing, etc.	1	1				1
b. Upholstery goods						
6. Of flax, hemp, jute and other fibers	12	1		1		14
7. Oil cloth, crinoline, window shades, etc.	1					
Total—Group VIII.	154	23	13	7	3	247
<b>IX. Clothing Millinery, Laundry, Etc.</b>						
1. Tailoring and dressmaking:						
a. Men's and boys' clothing		16		1		
b. Ladies' cloaks, waists, wrappers, etc.						
2. White goods, shirts, etc.:						
a. Shirts, collars and cuffs		5	3	2		
b. Women's and children's white goods	1					
3. Men's hats and caps	1			1		

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[illegible]

Table XIII—Causes of Accidents

INDUSTRY.	MACHINERY.					
	Gear- ing, belts, shaft- ing, pul- leys, etc.	Eleva- tors, hoists, cranes.	Saws, planes, lathes.	Presses, stamp- ing ma- chines.	Emery wheels, buffers.	Cotton and wool ma- chine.
<b>IX. Clothing, Millinery, Laundry, Etc.—Con.</b>						
4. Millinery, art embroideries, lace goods, etc.:						
b Hand embroideries and lace goods.....		1				
5. Miscellaneous:						
b Corsets, fans, leggings, etc.....			1			
c Suspenders and hose supporters.....			1			
e Quilts, comfortables, etc.....	1					
g Sails, flags, tents and sporting goods.....				2		
6. Laundry, cleaning and dyeing:						
a Laundries.....	4	1				
b Cleaning and dyeing.....	1					
Total—Group IX.....	8	24	3	6		
<b>X. Food, Tobacco and Liquors.</b>						
1. Cereals, fruits, vegetables, etc.:						
a Grain handling and milling.....	6	6				
b Preserved fruits and vegetables.....	5	3	4	3		3
c Sugar, starch, yeast.....		6				
d Coffee roasting and grinding, spices, etc.....				1		
e Salt.....	2	1				
2. Meats and dairy products:						
a Slaughtering and packing.....	2	5				
b Butter.....	2					
d Milk.....						
3. Bakers' and confectioners' goods:						
a Macaroni and other food pastes.....		1		1		
b Crackers and biscuits.....	1	2				
c Other bakery products.....	1	2				
d Confectionery.....		1	1			
4. Cigars, cigarettes and tobacco.....						
5. Liquors:						
a Artificial ice.....	1					
b Cider, etc.....						
c Carbonated beverages.....						
d Malting.....	1	1				
e Malt liquors.....	1	1				
f Wine and distilled liquors.....		1				
Total—Group X.....	22	28	5	5		3
<b>XI. Distribution of Water, Gas and Electricity.</b>						
1. Water.....						
2. Gas.....	3	1				
3. Gas and electricity.....						
4. Electric light and power.....	3	8	2		1	
5. Heat and power.....	1	1				
Total—Group XI.....	7	10	2		1	
<b>XII. Building Industry.</b>						
1. General contracting and building.....	1	1				
2. Masonry, bricklaying, etc.....						
3. Carpentry.....	2		6			
6. Painting and decorating:						
a Painting, paper hanging, etc.....						
7. Roofing and sheet-iron working.....	1					
8. Plumbing, gas and steam fitting.....	1					
9. Paving and sidewalks.....	1					
Total—Group XII.....	6	1	6			
<b>XIII. Warehousing and Cold Storage.....</b>	2	1				
<b>GRAND TOTAL.....</b>	<b>508</b>	<b>481</b>	<b>626</b>	<b>445</b>	<b>125</b>	<b>254</b>

in Each Industry—Continued.

Other machines and machine tools.	Total.	Hand tools (axes, saws, hammers).	Explosives of all kinds.	Hot liquids, acids, steam, etc.	Collapse of building, falling objects, etc.	Fall of person.	Handling merchandise.	Vehicles.	All others.	Grand total.
	1									1
1	1									1
	1									1
	1									1
	2									2
18	23									23
1	2			6					1	9
46	87	2		6	1	9			6	111
	12					3		1	1	17
4	22	1		1		4	1		1	30
	5			2		1			2	10
3	4									4
2	5		1	3	5	3	2	1	3	23
8	15	1		1	1	1			1	20
1	2									2
1	1				2		2	1		6
1	1									1
6	9						1		2	12
7	9		4						1	14
8	11	1				1	1		1	15
	2									2
	1		8	2						11
2	2				1					3
2	2					1				4
	1								1	1
1	3				1		1			5
1	1									1
45	108	3	13	9	10	14	8	3	13	181
1	1									2
8	12	2	3	14	5	2	5	3	7	53
11	25	10	5	13	1	4	5	2	16	89
	2				9					2
20	40	12	9	27	15	6	10	5	23	147
	2									2
1	9				1		1			10
1	1									1
1	2									2
1	2						1			3
1	2		1	2	2	1	1	2		11
5	18		1	2	3	2	2	2		30
	1						1			2
1,506	3,945	305	95	411	506	338	562	133	579	6,874



TABLE XIV.—CAUSES

INDUSTRIES.	MACHINERY.					
	Gear- ing, belts, shaft- ing, pul- leys, etc.	Eleva- tors, hoists, cranes.	Saws, planes.	Presses, stamp- ing ma- chines.	Emery wheels, buffers.	Cotton and woolen ma- chines.
<b>I. Stone and Clay Products.</b>						
1. Stone:						
(a) Crushed stone.....		2				
b Cut stone.....						
2. Talc, garnet, rock salt, etc.:		1				
a Talc mills.....		1				
b Emery, garnet, graphite, rock salt, etc.....						
3. Lime, cement and plaster:						
a Lime.....						
b Cement and asphalt.....						
c Plaster.....	1					
4. (a) Brick.....						
5. Glass:		1				
b Mirrors.....						
d Bottles and jars.....						
Total—Group I.....	1	5				
<b>II. Metals, Machinery and Apparatus.</b>						
2. Copper, lead, zinc, etc.:						
a Alloys, smelting and refining.....		1				
d Valves, hydrants, soda water apparatus, etc.....		1				
f Plumbers' supplies.....		1				
3. Iron and steel:						
a Iron mining.....		4				
b Blast furnaces.....						
c Architectural and structural iron.....						
e Rolling mills, steel and tinplate works.....		6				
g Hardware (not specified).....		1				
f Tools.....	1				1	
n Other wire goods.....		1				
o Tinware, sheet-metal work, metal stamping, etc.....	1	1				
t Steam engines, boilers, pumps, etc.....	2	3				
u Machinery, not otherwise classified.....		2				
v Foundries.....	1	1				
4. Railway repair shops.....	1					
5. (a) Carriages, wagons and sleighs.....	2	1				
6. Ship and boat building.....	2					
7. Agricultural implements.....						
9. Other instruments and appliances:						
f Lamps, lanterns, reflectors, stereopticons, etc.....						1
10. (c) Dynamoes and electrical supplies.....		1				
Total—Group II.....	9	24			2	
<b>III. Wood Manufactures.</b>						
1. Lumber and house trim.....	3		2			
4. Brooms.....	1					
5. Furniture and cabinet work:						
a Furniture and upholstery.....						
e Other cabinet work.....	2					
6. (e) Other articles and appliances of wood.....						
Total—Group III.....	6		2			
<b>IV. Leather and Rubber Goods.</b>						
1. Manufacture of leather.....		1				
2. (a) Furs and fur goods.....	1					
3. (d) Boots and shoes.....	2					
Total—Group IV.....	3	1				

a One of this number

## OF FATAL ACCIDENTS.

Other machines and machine tools.	Total.	Hand tools (axes, saws, hammers).	Explosives of all kinds.	Hot liquids, steam, etc.	Collapse of building, falling objects.	Fall of person.	Handling merchandise.	Vehicles.	All others.	Grand total.
					1					1
	2				1			1		4
	1									1
	1									1
					1					1
			1	1	1				1	3
	1				1				1	2
	1									1
					1					1
	6		1	1	5			1	2	16
		1								1
		1								2
		1	1							1
	4				1				1	6
3	3		1							4
					2					2
2	8			2		1				11
	1									2
	2									2
	2									2
	2									2
	2									2
	7		1		1					9
	2		1	1						4
	1		1			1	1			3
5	6								1	7
	1									1
	2				1	1			2	6
	2									2
	1									1
	1			1						2
13	48		4	4	7	3			4	70
	5		1	1						7
	1									1
	2								2	2
									1	1
	8		1	1					2	10
1	2		2				1			5
	1									1
	2									2
1	5		2				1			8

was a woman.

Table XIV—Causes of

INDUSTRIES.	MACHINERY.					
	Gear- ing, belts, shaft- ing, pul- leys, etc.	Eleva- tors, hoists, cranes.	Saws, planes.	Presses, stamp- ing ma- chines.	Emery wheels, bufers.	Cotton and wool ma- chines.
<b>V. Chemicals, Oils, Explosives.</b>						
1. Chemicals and drugs:						
(b) Alkalies(sodas, potash, ammonia).....		1				
(d) Other chemicals and drugs.....						
2. Paints and colors:						
(a) Paints, varnishes, putty, etc.....						
(c) Lead pencils, crayons, etc.....						
4. Soap, candles, etc.:						
(a) Soap.....		4				
7. (b) Fireworks, gunpowder, etc.....						
Total—Group V.....		5				
<b>VI. Paper and Pulp.</b>						
2. (a) Pulp.....						
(b) Pulp and paper (principal product not re- ported).....			1			
(c) Paper, cardboard, strawboard, etc.....	8	1				
Total—Group VI.....	3	1	1			
<b>VIII. Textiles.</b>						
2. Of wool:						
a Carpets and rugs.....		1				
b Felt goods.....	1					
c Woolens and worsteds.....	2					
3. Of cotton.....						
4. Hosiery and knit goods (cotton and wool).....		1				
Total—Group VIII.....	3	2				
<b>IX. Clothing, Millinery, Laundry.</b>						
1. (a) Men's and boys' clothing.....		3				
(b) Ladies' cloaks, waists, wrappers, etc.....		1				
6 (b) Cleaning and dyeing.....						
Total—Group IX.....		4				
<b>X. Food, Tobacco and Liquors.</b>						
1. Cereals, fruits, vegetables, etc.:						
a Grain handling and milling.....	1					
b Preserved fruits and vegetables.....	2	1				
c Sugar, starch, yeast.....		3				
2. (b) Butter.....	1					
5. Liquors (including ice):						
a Artificial ice.....	1					
b Cider, etc.....						
c Malting.....	1					
Total—Group X.....	6	4				
<b>XI. Distribution of Water, Gas and Electricity.</b>						
4. Electric light and power.....	1	2				
5 Heat and power (steam, etc.).....	1					
Total—Group XI.....	2	2				
<b>XII. Building Industry.</b>						
1. General contracting and building.....		1				
GRAND TOTAL.....	33	49	3			2

a One of this number was a woman

## Fatal Accidents—Continued.

Other machines and machine tools.	Total.	Hand tools (axes, saws, hammers).	Explosives of all kinds.	Hot liquids, steam, etc.	Collapse of building, falling objects.	Fall of person.	Handling merchandise.	Vehicles.	All others.	Grand total.
			1			1				2
	1			2						3
				1						1
			1							1
	4			2	2					6
			2	2						4
	5		4	7		1				17
					1					1
1	2			1						3
3	7			1						8
4	9			2	1					12
1	2					1				3
1	2									2
1	3					1				3
						1				1
	1					1				2
3	8					3				11
	3									3
	1									1
			1							1
	4		1							5
	1					1				2
	3									3
	3					1				4
	1									1
			4							5
	1								1	1
										1
	10		4			2			1	17
	3								2	5
	1									1
	4								2	6
	1									1
21	108		17	15	13	9	1	1	18	182

b Includes two females.

Table XIV.—Causes of  
CHILDREN UNDER 16

INDUSTRIES.	MACHINERY.					
	Gear- ing, belts, shaft- ing, pul- leys, etc.	Eleva- tors, hoists, cranes.	Saws, planes.	Presses, stamp- ing ma- chines.	Emery wheels, buffers.	Cotton and woolen ma- chines.
III. Wood Manufactures.						
1. Lumber and house trim .....						
V. Chemicals, Oils, Explosives.						
1. (d) Chemicals and drugs .....		1				
VIII. Textiles.						
2. (a) Carpets and rugs .....		1				
4. Hosiery and knit goods (cotton and wool) .....		1				
GRAND TOTAL .....		2				

## Fatal Accidents—Concluded.

## YEARS OF AGE INCLUDED.

Other machines and machine tools.	Total.	Hand tools (axes, saws, hammers).	Explosives of all kinds.	Hot liquids, steam, etc.	Collapse of building, falling objects.	Fall of person.	Handling merchandise.	Vehicles.	All others.	Grand total.
.....	.....	.....	.....	1	.....	.....	.....	.....	.....	1
.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
.....	3	.....	.....	1	.....	.....	.....	.....	.....	4

**TABLE XV.—CERTIFICATES OF BOILER INSPECTION FILED WITH THE BUREAU OF FACTORY INSPECTION.**

[NOTE.—In the cities of New York and Buffalo, boilers in factories are inspected under municipal ordinances; outside those cities certificates of boiler inspection must be filed with the Bureau of Factory Inspection. In this table, the unit is the establishment and not the certificate or number of boilers.]

COUNTY.	FACTORIES IN WHICH BOILERS ARE—			Hotels, institutions, office buildings, etc.
	Insured.	Not insured.	Total.	
Albany.....	171	19	190	30
Allegany.....	13	11	24	.....
Broome.....	72	22	94	10
Cattaraugus.....	45	22	67	2
Cayuga.....	32	21	53	1
Chautauqua.....	77	49	126	4
Chemung.....	64	17	71	4
Chenango.....	28	7	35	1
Clinton.....	16	1	17	.....
Columbia.....	32	10	42	1
Cortland.....	27	7	34	1
Delaware.....	57	17	74	.....
Dutchess.....	52	19	71	3
Erie.....	134	8	142	10
Essex.....	18	5	23	.....
Franklin.....	25	2	27	5
Fulton.....	77	14	91	1
Genesee.....	27	5	32	3
Greene.....	19	.....	19	.....
Herkimer.....	69	7	76	3
Jefferson.....	58	9	67	.....
Kings.....	4	.....	4	1
Lewis.....	15	1	16	.....
Livingston.....	23	2	25	2
Madison.....	31	9	40	.....
Monroe.....	228	30	258	40
Montgomery.....	65	13	78	4
Nassau.....	15	10	25	10
Niagara.....	69	7	76	2
Oneida.....	192	12	204	10
Onondaga.....	123	4	127	13
Ontario.....	42	6	48	3
Orange.....	76	26	102	3
Orleans.....	15	9	24	3
Oswego.....	60	21	81	1
Otsego.....	22	24	46	1
Putnam.....	2	3	5	.....
Queens.....	15	.....	15	.....
Rensselaer.....	138	22	160	14
Rockland.....	22	6	28	1
St. Lawrence.....	51	39	90	7
Saratoga.....	81	3	84	12
Schenectady.....	14	4	18	3
Schoharie.....	9	5	14	1
Schuyler.....	7	4	11	1
Seneca.....	19	4	23	.....
Steuben.....	33	44	77	1
Suffolk.....	35	6	41	6
Sullivan.....	7	6	13	.....
Tioga.....	16	26	42	.....
Tompkins.....	31	15	46	2
Ulster.....	52	22	74	9
Warren.....	24	3	27	1
Washington.....	48	14	62	1
Wayne.....	43	13	56	1
Westchester.....	76	14	90	8
Wyoming.....	18	2	20	.....
Yates.....	11	10	21	.....
Total.....	2,835	711	3,546	240

Table XVI.—Number and Location of Places in Tenement and Dwelling Houses Licensed to Manufacture Articles Specified in Section 100 of the Labor Law, September 30, 1904.

Recapitulation.		Number of licenses.
Metropolitan District:		
New York county:		
Lower east side of the Borough of Manhattan.....		7,486
Remainder of the Borough of Manhattan and Borough of The Bronx....		5,941
Kings county (Borough of Brooklyn).....		8,399
Queens county (Borough of Queens).....		299
Richmond county (Borough of Richmond).....		48
Nassau county.....		14
Suffolk county.....		25
Total.....		22,212
Remainder of the State.....		7,717
Grand total.....		29,929

(a) Suburban Districts.

QUEENS BOROUGH.		RICHMOND BOROUGH—Continued.	
Towns.	Number of licenses.	Towns.	Number of licenses.
Long Island City.....	39	Port Richmond.....	2
Astoria.....	24	Richmond.....	5
Bayside.....	1	Rossville.....	4
Blissville.....	3	Stapleton.....	5
College Point.....	2	Tompkinsville.....	2
Corona.....	13	Tottenville.....	24
East Dutch Kills.....	2	West Brighton.....	2
East Williamsburg.....	3	Total.....	48
Elmhurst.....	2		
Evergreen.....	53		
Flushing.....	5		
Germania Heights.....	3		
Glendale.....	9		
Hicksville.....	1		
Jamaica.....	2		
Maspeth.....	49		
Metropolitan.....	9		
Middle Village.....	3		
Morris Park.....	1		
Newtown.....	3		
Ozone Park.....	3		
Ravenswood.....	1		
Richmond Hill.....	5		
Ridgewood Heights.....	11		
Sheepshead Bay.....	8		
Union Course.....	1		
Whitestone.....	6		
Winfield.....	6		
Woodhaven.....	24		
Woodside.....	6		
Wyckoff Avenue.....	1		
Total.....	299		
RICHMOND BOROUGH.		NASSAU COUNTY.	
Towns.	Number of licenses.	Towns.	Number of licenses.
Eltingville.....	2	Floral Park.....	1
Giffords.....	1	Glen Cove.....	2
Greenridge.....	1	Great Neck.....	1
		Hicksville.....	2
		New Hyde Park.....	4
		Rockville Center.....	2
		Sea Cliff.....	1
		Thomaston.....	1
		Total.....	14
		SUFFOLK COUNTY.	
		Towns.	Number of licenses.
		Babylon.....	3
		Bayshore.....	1
		Bellport.....	1
		Greenport.....	2
		Islip.....	2
		Lindenhurst.....	2
		Patchogue.....	2
		Riverhead.....	9
		Ronkonkomo.....	2
		Sayville.....	1
		Total.....	25



TABLE XVI—Continued.

(b) Lower East Side of Manhattan Borough (Embracing East Fourteenth Street From Broadway to East River, East Side of Broadway to Battery, and the Territory Lying Within Those Boundaries).

Street.	Number of licenses.	Street.	Number of licenses.
Avenue A.....	103	Mangin.....	4
Allen.....	97	Marion.....	28
Attorney.....	47	Market.....	14
Avenue B.....	53	Monroe.....	182
Batavia.....	11	Montgomery.....	6
Baxter.....	117	Mott.....	606
Bayard.....	115	Mulberry.....	410
Bleecker.....	2	New Chambers.....	14
Bond.....	1	Norfolk.....	40
Bowery.....	60	Oak.....	61
Broad.....	1	Oliver.....	101
Broadway.....	1	Orchard.....	55
Broome.....	120	Park Row.....	3
Avenue C.....	31	Park.....	12
Canal.....	16	Pearl.....	12
Cannon.....	13	Peck Slip.....	1
Catherine.....	25	Pike.....	3
Centre Market place.....	6	Pitt.....	23
Cherry.....	178	Prince.....	47
Christie.....	444	Ridge.....	38
City Hall place.....	5	Rivington.....	107
Clinton.....	48	Rose.....	1
Columbia.....	26	Roosevelt.....	60
Corlears.....	6	Rutger's place.....	1
Crosby.....	44	Rutgers.....	3
Avenue D.....	13	St. Mark's place.....	31
Delancey.....	107	Second avenue.....	39
Division.....	61	Sheriff.....	12
Dry Dock.....	2	South.....	1
Duane.....	1	Spring.....	105
East Broadway.....	59	Stanton.....	137
Eldridge.....	89	Stone.....	1
Elizabeth.....	344	Suffolk.....	26
Elm.....	17	Third avenue.....	8
Essex.....	57	Water.....	17
Extra place.....	47	Walker.....	1
First avenue.....	100	Whitehall.....	1
Forsyth.....	130	Willett.....	18
Franklin.....	8	William.....	3
Front.....	4	Worth.....	1
Fourth avenue.....	4	East First.....	128
Goerck.....	148	East Second.....	86
Gouverneur.....	2	East Third.....	92
Grand.....	31	East Fourth.....	80
Hamilton.....	66	East Fifth.....	87
Henry.....	38	East Sixth.....	69
Hester.....	177	East Seventh.....	54
Houston, East.....	159	East Eighth.....	14
Jackson.....	3	East Ninth.....	50
James.....	128	East Tenth.....	48
Jefferson.....	9	East Eleventh.....	300
Leonard.....	1	East Twelfth.....	132
Lewis.....	61	East Thirteenth.....	109
Ludlow.....	47	East Fourteenth.....	59
Madison.....	70		
Maiden Lane.....	1	Total.....	7,486

TABLE XVI—Continued.

(c) Manhattan and Bronx Boroughs, Except Lower East Side.

Street.	Number of licenses.	Street.	Number of licenses.
Abingdon square .....	1	Hamilton place .....	1
Albany street .....	3	Hancock place .....	2
Alexander avenue .....	4	Hancock street .....	36
Amsterdam avenue .....	92	Henderson place .....	1
Anthony avenue .....	2	Hoffman avenue .....	2
Arthur avenue .....	1	Home street .....	1
Avenue B .....	3	Horation street .....	7
Bank street .....	2	Houston street, West .....	102
Barroy street .....	4	Hudson street .....	24
Bathgate avenue .....	1	Irving place .....	1
Beach street .....	20	Jackson avenue .....	3
Beck street .....	1	Jane street .....	1
Bedford street .....	6	Jones street .....	21
Bergen avenue .....	1	Kelly avenue .....	1
Bethune street .....	1	King street .....	14
Bleecker street .....	75	Laight street .....	35
Boston road .....	1	Lawrence street .....	2
Bradhurst avenue .....	4	Lenox avenue .....	26
Briggs avenue .....	1	Leroy street .....	16
Broadway .....	42	Lexington avenue .....	111
Brook avenue .....	10	Macdougall street .....	111
Broome street .....	9	Madison avenue .....	42
Bryant street .....	1	Manhattan avenue .....	9
Canal street .....	6	Manhattan street .....	4
Carmine street .....	48	Melrose avenue .....	1
Cauldwell street .....	1	Minetta lane .....	10
Charles street .....	3	Minetta place .....	3
Charlton street .....	2	Minetta street .....	19
Christopher street .....	15	Morningside avenue .....	1
Clarke street .....	6	Morris avenue .....	1
Clarkson street .....	2	Morton street .....	3
Clinton avenue .....	1	Nelson avenue .....	2
College avenue .....	1	Ninth avenue .....	46
Columbus avenue .....	101	North Moore street .....	1
Cornelia street .....	28	Park avenue .....	35
Cornell avenue .....	1	Parker and St. Raymond avenues .....	2
Courtlandt avenue .....	4	Perry street .....	10
Creston avenue .....	1	Pleasant avenue .....	2
Dominick street .....	1	Powell place .....	1
Dorothy place .....	1	Prince street .....	74
Downing street .....	63	Renwick street .....	1
Eagle avenue .....	1	Rogers place .....	2
Eastburn street .....	1	Ryer avenue .....	1
East End avenue .....	3	St. Ann's avenue .....	2
Edgecombe avenue .....	2	St. James street, Fordham .....	1
Eighth avenue .....	115	St. Nicholas street .....	17
Eleventh avenue .....	6	Second avenue .....	128
Fifth avenue .....	40	Seventh avenue .....	73
First avenue .....	53	Sixth avenue .....	37
Forest avenue .....	5	South Washington square .....	3
Fourth avenue .....	22	Southern Boulevard .....	2
Franklin avenue .....	2	Spencer place .....	1
Franklin street .....	3	Spring street .....	133
Grand street .....	14	Sullivan street .....	332
Greenwich avenue .....	13	Summit street .....	1
Greenwich street .....	11	Stuyvesant street .....	1
Grove street .....	6	Tenth avenue .....	30

TABLE XVI—Continued.

(c) Boroughs of Manhattan and The Bronx (Exclusive of the Lower East Side): By Streets—Con.

Street.	Number of licenses.	Street.	Number of licenses.
Third avenue .....	224	21st street, West .....	9
Thompson street .....	246	22d street, East .....	18
Tinton avenue .....	1	22d street, West .....	14
Tremont avenue .....	1	23d street, East .....	4
Trinity avenue .....	1	23d street, West .....	18
Union avenue .....	1	24th street, East .....	35
Union square .....	6	24th street, West .....	17
University place .....	4	25th street, East .....	19
Vandam street .....	18	25th street, West .....	14
Varick street .....	14	26th street, East .....	33
Vestry street .....	1	26th street, West .....	20
Wakefield street .....	1	27th street, East .....	22
Wales avenue .....	1	27th street, West .....	36
Walton avenue .....	1	28th street, East .....	28
Washington avenue .....	5	28th street, West .....	12
Washington place .....	2	29th street, East .....	55
Washington street .....	6	29th street, West .....	12
Watts street .....	9	30th street, East .....	15
Waverly place .....	5	30th street, West .....	25
Webster avenue .....	1	31st street, East .....	34
Weeks street .....	1	31st street, West .....	14
Wendover avenue .....	1	32d street, East .....	20
West street .....	4	32d street, West .....	5
West Broadway .....	50	33d street, East .....	34
Westchester avenue .....	5	33d street, West .....	10
West End avenue .....	5	34th street, East .....	21
White Plains avenue .....	1	34th street, West .....	7
Williams bridge .....	1	35th street, East .....	13
Willis avenue .....	17	35th street, West .....	33
Wooster street .....	12	36th street, East .....	7
Worth street .....	1	36th street, West .....	23
York street .....	6	37th street, East .....	16
3rd street, West .....	36	37th street, West .....	22
4th street, West .....	15	38th street, East .....	49
8th street, East .....	6	38th street, West .....	28
8th street, West .....	11	39th street, East .....	22
9th street, East .....	4	39th street, West .....	23
9th street, West .....	1	40th street, East .....	11
10th street, West .....	7	40th street, West .....	13
11th street, West .....	6	41st street, East .....	9
12th street, West .....	1	41st street, West .....	17
13th street, West .....	1	42d street, East .....	8
14th street, East .....	63	42d street, West .....	22
14th street, West .....	4	43d street, East .....	9
15th street, East .....	62	43d street, West .....	6
15th street, West .....	9	44th street, East .....	7
16th street, East .....	41	44th street, West .....	10
16th street, West .....	13	45th street, East .....	14
17th street, East .....	26	45th street, West .....	11
17th street, West .....	12	46th street, East .....	9
18th street, East .....	28	46th street, West .....	13
18th street, West .....	11	47th street, East .....	5
19th street, East .....	15	47th street, West .....	23
19th street, West .....	7	48th street, East .....	16
20th street, East .....	10	48th street, West .....	7
20th street, West .....	16	49th street, East .....	7
21st street, East .....	10	49th street, West .....	8

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TABLE XVI—Continued.

(c) Boroughs of Manhattan and The Bronx (Exclusive of the Lower East Side): By Streets—Con.

Street.	Number of licenses.	Street.	Number of licenses.
50th street, East	6	84th street, East	19
50th street, West	7	84th street, West	1
51st street, East	14	85th street, East	14
51st street, West	5	86th street, East	17
52d street, East	10	87th street, East	11
52d street, West	7	87th street, West	4
53d street, East	6	88th street, East	15
53d street, West	18	88th street, West	3
54th street, East	46	89th street, East	3
54th street, West	5	90th street, East	11
55th street, East	4	90th street, West	3
56th street, East	9	91st street, East	3
56th street, West	5	91st street, West	5
57th street, East	3	92d street, East	3
57th street, West	4	92d street, West	1
58th street, East	12	93d street, East	5
58th street, West	3	93d street, West	1
59th street, East	26	94th street, East	6
59th street, West	3	95th street, East	9
60th street, East	5	95th street, West	4
60th street, West	9	96th street, East	6
61st street, East	5	96th street, West	6
61st street, West	6	97th street, East	3
62d street, East	4	97th street, West	7
62d street, West	7	98th street, East	2
63d street, East	10	98th street, West	10
63d street, West	9	99th street, East	3
64th street, East	3	99th street, West	4
64th street, West	1	100th street, East	3
65th street, West	4	100th street, West	12
66th street, East	1	101st street, East	4
66th street, West	7	101st street, West	7
67th street, West	10	102d street, East	6
68th street, West	3	102d street, West	4
69th street, East	3	103d street, East	6
69th street, West	5	103d street, West	5
70th street, East	21	104th street, East	3
71st street, East	34	104th street, West	6
71st street, West	2	105th street, East	7
72d street, East	23	105th street, West	3
73d street, East	35	106th street, East	19
73d street, West	1	106th street, West	3
74th street, East	17	107th street, East	11
75th street, East	22	107th street, West	2
76th street, East	22	108th street, East	11
76th street, West	1	108th street, West	2
77th street, East	19	109th street, East	15
78th street, East	12	109th street, West	1
78th street, West	2	110th street, East	10
79th street, East	3	111th street, East	3
80th street, East	9	111th street, West	1
80th street, West	2	112th street, East	5
81st street, East	17	112th street, West	10
81st street, West	1	113th street, East	3
82d street, East	17	113th street, West	2
82d street, West	3	114th street, East	14
83d street, East	22	114th street, West	3
83d street, West	7	115th street, East	15

TABLE XVI—Continued.

(c) Boroughs of Manhattan and The Bronx (Exclusive of the Lower East Side): By Streets—Con.

Street.	Number of licenses.	Street.	Number of licenses.
115th street, West .....	6	137th street, East .....	2
116th street, East .....	9	137th street, West .....	2
116th street, West .....	23	138th street, East .....	7
117th street, East .....	7	139th street, East .....	2
117th street, West .....	6	139th street, West .....	1
118th street, East .....	9	140th street, East .....	2
118th street, West .....	11	142d street, East .....	2
119th street, East .....	8	143d street, East .....	7
119th street, West .....	6	143d street, West .....	3
120th street, East .....	10	144th street, East .....	2
120th street, West .....	7	145th street, East .....	2
121st street, East .....	13	145th street, West .....	4
121st street, West .....	2	146th street, East .....	1
122d street, East .....	6	147th street, East .....	3
122d street, West .....	1	148th street, East .....	4
123d street, East .....	5	149th street, East .....	2
123d street, West .....	5	150th street, East .....	2
124th street, East .....	3	151st street, West .....	1
124th street, West .....	4	152d street, East .....	3
125th street, East .....	16	153d street, East .....	4
125th street, West .....	25	154th street, East .....	5
126th street, East .....	4	154th street, West .....	1
126th street, West .....	2	155th street, East .....	1
127th street, West .....	3	157th street, East .....	1
128th street, East .....	2	158th street, East .....	1
128th street, West .....	6	159th street, East .....	1
129th street, East .....	3	160th street, East .....	1
129th street, West .....	5	161st street, East .....	3
130th street, East .....	1	162d street, East .....	1
131st street, East .....	1	163d street, East .....	2
131st street, West .....	3	164th street, East .....	3
132d street, East .....	1	165th street, East .....	1
132d street, West .....	4	165th street, West .....	1
133d street, East .....	3	168th street, East .....	1
133d street, West .....	6	168th street, West .....	1
134th street, East .....	2	169th street, East .....	2
134th street, West .....	6	176th street, East .....	1
135th street, East .....	4	205th street, East .....	1
135th street, West .....	5		
136th street, West .....	1		
			5,941

(d) Borough of Brooklyn, New York City.

Street.	Number of licenses.	Street.	Number of licenses.
Aberdeen street .....	1	Barbey street .....	6
Adams street .....	2	Barlett street .....	18
Adelphi street .....	9	Bath avenue .....	3
Ainslie street .....	5	Bath Beach .....	1
Alabama avenue .....	3	Bayard street .....	7
Albany avenue .....	1	Beaver street .....	14
Arion place .....	1	Bedford avenue .....	20
Ashford street .....	3	Belmont avenue .....	5
Ashland place .....	1	Bennett street .....	1
Atkins avenue .....	2	Bergen street .....	37
Atlantic avenue .....	115	Berkley place .....	2
Bainbridge street .....	1	Berry street .....	7
Baltic street .....	9	Blake avenue .....	1

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TABLE XVI—Continued.

(d) Borough of Brooklyn: By Streets—Continued.

Street.	Number of licenses.	Street.	Number of licenses.
Bleecker street .....	38	Diamond street .....	2
Boerum place .....	1	Dikeman street .....	1
Boerum street .....	142	Ditmars street .....	4
Bogert street .....	22	Division avenue .....	6
Bolivar street .....	1	Douglas street .....	3
Bond street .....	8	Driggs avenue .....	13
Bradford street .....	1	Duffield street .....	14
Bremen street .....	28	Dumont avenue .....	6
Bridge street .....	13	East New York avenue .....	6
Bristol street .....	1	Eastern Parkway .....	4
Broadway .....	90	Eckford street .....	2
Broome street .....	1	Eighth avenue .....	2
Buffalo avenue .....	3	Eldert street .....	5
Bushwick avenue .....	130	Ellery street .....	121
Bushwick place .....	8	Elton street .....	4
Butler street .....	1	Emmett street .....	1
Calver street .....	5	Engert avenue .....	1
Canarsie .....	6	Essex street .....	7
Carlton avenue .....	4	Euclid avenue .....	1
Catharine street .....	8	Evergreen avenue .....	64
Cedar street .....	2	Evergreen place .....	1
Central avenue .....	267	Avenue F. ....	1
Chauncey street .....	2	Fairview avenue .....	1
Chester street .....	2	Ranchon place .....	8
Chestnut street .....	1	Fayette street .....	32
Christopher avenue .....	9	Fifth avenue .....	22
Clarendon place .....	1	Fifteenth avenue .....	1
Clark street .....	1	Filmore place .....	2
Clason avenue .....	13	Flatbush avenue .....	7
Clermont avenue .....	3	Floyd street .....	71
Cleveland street .....	3	Flushing avenue .....	230
Clifton place .....	3	Forest avenue .....	2
Clinton avenue .....	1	Forest street .....	7
Clinton street .....	7	Fort Green place .....	1
Columbus place .....	1	Fourth avenue .....	17
Columbia street .....	5	Franklin avenue .....	22
Commerce street .....	2	Franklin street .....	3
Concord street .....	2	Freeman street .....	1
Conover street .....	1	Front street .....	2
Conselyea street .....	5	Frost street .....	15
Cook street .....	92	Fulton street .....	34
Cooper street .....	4	Furman street .....	1
Cornelia street .....	5	Garden street .....	11
Court street .....	24	Garfield place .....	4
Covert avenue .....	10	Gates avenue .....	99
Covert street .....	7	George street .....	108
Crescent street .....	2	Georgia avenue .....	2
Cumberland street .....	5	Gerry street .....	12
Dean street .....	26	Glen street .....	1
Debevoise .....	27	Glenmore avenue .....	20
Decatur street .....	6	Gold street .....	3
Degraw street .....	8	Graham avenue .....	95
DeKalb avenue .....	123	Graham street .....	7
Delmonico place .....	14	Grand avenue .....	6
Dennett place .....	1	Grand street .....	78
De Sales place .....	1	Grant avenue .....	2
Devos street .....	53	Gratton street .....	15

TABLE XVI—Continued.

## (d) Borough of Brooklyn: By Streets—Continued.

Street.	Number of licenses.	Street.	Number of licenses.
Greene avenue .....	36	Kingsland avenue .....	12
Greenpoint avenue .....	6	Knickerbocker avenue .....	56
Grove street .....	11	Kosciusko place .....	1
Guernsey street .....	2	Kosciusko street .....	5
Gwinett street .....	9	Lafayette avenue .....	8
Hale and Fulton streets .....	1	Lawrence street .....	2
Hall street .....	3	Lawton street .....	1
Halsey street .....	15	Lee avenue .....	2
Hamburg avenue .....	191	Leonard street .....	38
Hamilton avenue .....	12	Lewis street .....	7
Hancock street .....	5	Lexington avenue .....	9
Hanover street .....	1	Liberty avenue .....	49
Harman street .....	39	Linden street .....	47
Harrison avenue .....	24	Linwood street .....	2
Harrison place .....	4	Livingston street .....	5
Harrison street .....	8	Locust street .....	11
Hart street .....	39	Logan street .....	3
Havemeyer street .....	29	Lombardy street .....	4
Havens place .....	1	Lorimer street .....	42
Hendrix street .....	3	Lott street .....	1
Henry street .....	8	Lynch street .....	5
Herbert street .....	4	McDonough street .....	1
Herkimer street .....	7	McDougal street .....	7
Hewes street .....	2	McKibbin street .....	57
Heyward street .....	4	Macon street .....	1
Hicks street .....	11	Madison street .....	10
High street .....	1	Main street .....	7
Himrod street .....	56	Manhattan street .....	75
Hinsdale street .....	1	Maple street .....	1
Hooper street .....	5	Marcy avenue .....	32
Hope street .....	13	Marion street .....	28
Hopkins street .....	32	Maspeth street .....	22
Hopkinson avenue .....	1	Maujer street .....	48
Howard avenue .....	4	Meeker avenue .....	8
Hoyt street .....	2	Melrose street .....	158
Hubbard place .....	1	Meserole avenue .....	2
Hudson avenue .....	8	Meserole street .....	101
Hull street .....	6	Metropolitan avenue .....	119
Humboldt street .....	129	Middaugh street .....	1
Huntington street .....	1	Middleton street .....	4
India street .....	2	Millford street .....	1
Ingraham street .....	3	Miller avenue .....	4
Irving avenue .....	31	Monitor street .....	3
Irving place .....	1	Montague street .....	1
Jackson place .....	1	Montauk avenue .....	1
Jackson street .....	32	Monteith street .....	29
Jamalca avenue .....	7	Montrose avenue .....	127
Java street .....	4	Moore street .....	42
Jay street .....	1	Morgan avenue .....	40
Jefferson avenue .....	5	Morrell street .....	49
Jefferson street .....	92	Myrtle avenue .....	74
Jerome street .....	6	Nassau avenue .....	8
Johnson avenue .....	356	Nassau street .....	6
Johnson street .....	6	Navy street .....	10
Judge street .....	4	Nelson street .....	1
Keep street .....	7	Nevins street .....	4
Kent avenue .....	30	Newell street .....	2

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TABLE XVI—Continued.

(d) Borough of Brooklyn: By Streets—Continued.

Street.	Number of licenses.	Street.	Number of licenses.
New Jersey avenue .....	6	Ridgewood avenue .....	1
New Utrecht street .....	2	Rochester avenue .....	1
Newton street .....	1	Rock street .....	5
New York avenue .....	1	Rockaway avenue .....	24
Ninth avenue .....	1	Rockwell place .....	1
Noble street .....	1	Rodney street .....	9
Noll street .....	25	Roebling street .....	22
Norman avenue .....	4	Rogers avenue .....	3
Norman place .....	1	Ross street .....	3
North Elliott place .....	5	Rush street .....	2
North Henry street .....	6	Russell place .....	1
North Oxford street .....	2	Russell street .....	1
North Portland avenue .....	6	Rutledge street .....	1
North Vermont avenue .....	1	St. Felix street .....	2
Norwood avenue .....	2	St. James' place .....	1
Nostrand avenue .....	28	St. Mark's avenue .....	11
Oakland street .....	2	St. Mark's place .....	2
Ocean Parkway .....	1	St. Nicholas avenue .....	11
Ocean place .....	3	Sackett street .....	10
Old Bushwick road .....	5	Sackman street .....	18
Old Wood Point road .....	2	Sandford street .....	2
Olive place .....	1	Sands street .....	15
Olive street .....	3	Saratoga avenue .....	4
Onderdonk avenue .....	10	Schaefer street .....	4
Ormond place .....	1	Schenck avenue .....	11
Osborne street .....	19	Schenectady avenue .....	1
Pacific street .....	103	Schermerhorn street .....	1
Palmetto street .....	11	Scholes street .....	104
Park avenue .....	102	Seigel street .....	49
Park place .....	4	Seventh avenue .....	3
Park street .....	3	Sheffield avenue .....	1
Parker street .....	1	Shepherd avenue .....	3
Patchen avenue .....	2	Sixth avenue .....	7
Pearl street .....	1	Skillman avenue .....	54
Pellington place .....	1	Skillman street .....	60
Penn street .....	2	Smith street .....	23
Pennsylvania avenue .....	1	Snedecor avenue .....	11
Pilling street .....	2	South Elliott place .....	2
Pine street .....	1	South Oxford street .....	2
Pitkins avenue .....	10	South Portland avenue .....	1
Pleasant place .....	1	Spencer street .....	61
Portland avenue .....	1	Stagg street .....	121
Powell street .....	4	Stanhope street .....	23
Powers street .....	27	Starr street .....	37
President street .....	10	Steuben street .....	2
Prince street .....	2	Sterling place .....	3
Prospect avenue .....	6	Stockholm street .....	29
Prospect place .....	3	Stockton street .....	40
Prospect street .....	1	Stone avenue .....	30
Pulaski street .....	4	Stuyvesant avenue .....	1
Putnam avenue .....	9	Sumner avenue .....	44
Quincy street .....	4	Sumner place .....	4
Ralph avenue .....	15	Summit street .....	1
Rapelyea street .....	1	Sumpter street .....	12
Reid avenue .....	31	Sutter avenue .....	4
Richards streets .....	2	Sutton street .....	3
Richardson street .....	13	Suydam street .....	42



TABLE XVI—Continued.

(d) Borough of Brooklyn: By Streets—Continued.

Street.	Number of licenses.	Street.	Number of licenses.
Talman street .....	1	Wyckoff street .....	8
Taylor street .....	2	Wyona street .....	4
Temple Court .....	1	Wythe avenue .....	10
Ten Eyck street .....	64	York street .....	4
Thames street .....	6	Zeldler street .....	1
Thatford street .....	21	First place .....	1
Third avenue .....	89	First street .....	7
Third place .....	1	North First street .....	6
Thornton street .....	12	South First street .....	7
Throop avenue .....	73	Second street .....	5
Tiffany place .....	1	South Second street .....	7
Tillary street .....	8	Third street .....	4
Tompkins avenue .....	40	South Third street .....	16
Troutman street .....	102	Fourth street .....	1
Troy avenue .....	1	East Fourth street .....	1
Underhill avenue .....	5	North Fourth street .....	8
Union avenue .....	84	South Fourth street .....	13
Union street .....	13	North Fifth street .....	64
Utica avenue .....	1	South Fifth street .....	13
Van Brunt street .....	9	East Fifth street .....	1
Van Buren street .....	7	West Sixth street .....	1
Vanderbilt avenue .....	8	North Sixth street .....	88
Vanderbilt street .....	2	North Seventh street .....	42
Vanderveer street .....	1	North Eighth street .....	56
Vandervoort street .....	4	Eighth street .....	1
Vandyke street .....	1	South Eighth street .....	5
Van Sicklen avenue .....	4	West Eighth street .....	1
Van Voorhis street .....	2	North Ninth street .....	7
Vare street .....	27	South Ninth street .....	2
Vermont avenue .....	2	West Ninth street .....	2
Vermont street .....	82	Tenth street .....	1
Vesta street .....	88	South Tenth street .....	1
Walcott street .....	1	Eleventh street .....	1
Wallabout street .....	24	South Eleventh street .....	1
Walton street .....	23	Twelfth street .....	4
Walworth street .....	6	Thirteenth street .....	8
Warren place .....	1	Fourteenth street .....	2
Warren street .....	10	Fifteenth street .....	8
Warwick street .....	4	Sixteenth street .....	6
Washington avenue .....	2	Seventeenth street .....	5
Washington street .....	2	Eighteenth street .....	5
Waterbury street .....	2	Nineteenth street .....	8
Watkins street .....	84	Twentieth street .....	8
Waverly avenue .....	1	Twentieth-first street .....	82
Weirfield street .....	1	Twenty-second street .....	13
West street .....	1	Twenty-third street .....	2
Whipple street .....	14	Twenty-sixth street .....	1
Williams avenue .....	2	Twenty-eighth street .....	2
Willoughby avenue .....	56	Thirty-second street .....	1
Willoughby street .....	6	Thirty-fourth street .....	2
Wilson street .....	1	East Thirty-fourth street .....	2
Winsor place .....	1	Thirty-sixth street .....	1
Withers street .....	48	Thirty-seventh street .....	1
Woodbine street .....	7	East Thirty-eighth street .....	1
Woodhull street .....	8	Thirty-ninth street .....	8
Woodward avenue .....	8	Fortieth street .....	5
Wyckoff avenue .....	44	Forty-first street .....	1

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TABLE XVI—Continued.

(d) Borough of Brooklyn: By Streets—Continued.

Street.	Number of licenses.	Street.	Number of licenses.
Forty-second street .....	8	Fifty-eighth street .....	1
Bay Forty-fourth street .....	2	Fifth-ninth street .....	6
Forty-fifth street .....	2	Sixteenth street .....	2
Forty-sixth street .....	8	Sixty-first street .....	1
Forty-eighth street .....	4	Sixty-fifth street .....	1
Forty-ninth street .....	2	Sixth-sixth street .....	2
Fiftieth street .....	4	Seventy-seventh street .....	1
Fifty-first street .....	2	Ninety-second street .....	1
Fifty-second street .....	2	East Ninety-ninth .....	1
Fifty-fourth street .....	1	Cypress Hill .....	2
Fifty-fifth street .....	3		
Fifty-sixth street .....	8		
Fifty-seventh street .....	8		
			<hr/> 8,399 <hr/>

(e) Interior Cities and Villages.

	Number of licenses.		Number of licenses.
Adamsville .....	1	Carthage .....	2
Addison .....	1	Cassadaga .....	2
Afton .....	1	Cassville .....	1
Akron .....	1	Castleton .....	1
Albany .....	644	Cato .....	2
Alder Creek .....	2	Catskill .....	19
Alfred .....	1	Cazenovia .....	11
Allegany .....	1	Cedar Vale .....	1
Altamont .....	21	Cedarville .....	1
Amenia .....	8	Center .....	20
Ames .....	4	Central Bridge .....	14
Amsterdam .....	114	Champlain .....	2
Ancram .....	4	Charleston Four Corners .....	1
Argusville .....	1	Charlotte .....	8
Ashland .....	1	Charlton .....	2
Auburn .....	171	Chatham .....	27
Augusta Center .....	1	Cheektowaga .....	2
Austerlitz .....	1	Chittenango .....	1
Baldwinsville .....	5	Churchville .....	1
Ballston Spa .....	33	Clayville .....	7
Barnesville .....	1	Clifton Park .....	8
Bath .....	6	Clinton .....	1
Bellevue .....	5	Clintondale .....	1
Belmont .....	1	Cobleskill .....	26
Berne .....	2	Cohocton .....	1
Binghamton .....	125	Cohoes .....	89
Buffalo .....	1,129	Cold Brook .....	1
Calicoon .....	1	Coldwater .....	2
Cambridge .....	18	Collamer .....	2
Camden .....	14	Colonie .....	1
Camillus .....	1	Conklingville .....	1
Canaan .....	8	Copake .....	1
Canajoharie .....	18	Corinth .....	8
Canandaigua .....	1	Corning .....	22
Canastota .....	2	Cortland .....	4
Canisteo .....	1	Coventry .....	1
Cape Vincent .....	1	Coxsackie .....	10
Cardiff .....	1	Cranesville .....	1
Carlisle .....	2	Crarryville .....	1
Carlisle Centre .....	2	Cuba .....	2

TABLE XVI—Continued.

## (e) Interior Cities and Villages—Continued.

	Number of licenses.		Number of licenses.
Dansville .....	1	Glens Falls .....	80
Davenport .....	1	Gloversville .....	108
Deansboro .....	2	Gouverneur .....	13
Deerfield .....	8	Gowanda .....	1
Delanson .....	7	Granville .....	21
Delhi .....	3	Greece .....	5
Delmar .....	1	Green Island .....	9
Depew .....	1	Greenwich .....	14
Deposit .....	2	Grooms .....	8
Dobbs Ferry .....	2	Groton .....	2
Dolgeville .....	1	Grovener Corners .....	10
Dorloch .....	1	Guilderland .....	29
Dormansville .....	4	Hagamans .....	5
Dunham Hollow .....	1	Hamburg .....	3
Dunkirk .....	1	Hamilton .....	16
Dunnsville .....	5	Harbor .....	3
Earlville .....	2	Hartford .....	3
East Berne .....	6	Hastings .....	1
East Cobleskill .....	4	Hebron .....	1
East Worcester .....	1	Herkimer .....	2
Eaton .....	3	Hillsdale .....	4
Eden Centre .....	1	Hoag Corners .....	1
Edinburgh .....	1	Hobart .....	2
Ellenville .....	25	Hoffmans .....	1
Elmira .....	143	Holland .....	1
Elmira .....	1	Holland Patent .....	1
Esperance .....	34	Hollowville .....	1
Fairfield .....	1	Homer .....	1
Fairport .....	1	Hoosick Falls .....	31
Farmer .....	1	Hornellsville .....	7
Fayetteville .....	2	Horseheads .....	3
Fergusonville .....	2	Howes Cave .....	4
Fishkill-on-Hudson .....	1	Hudson .....	74
Fishkill Landing .....	3	Huvelton .....	1
Forestport .....	3	Ilion .....	4
Forks .....	1	Irondequoit .....	7
Fort Ann .....	5	Ithaca .....	66
Fort Edward .....	32	Jamestown .....	19
Fort Hunter .....	1	Jamesville .....	1
Fort Plain .....	9	Johnstown .....	48
Frankfort .....	8	Jonesville .....	1
Frankfort Hill .....	12	Jordan .....	2
Franklin .....	1	Kerhonkson .....	1
Franklinton .....	1	Kinderhook .....	7
Fullers .....	13	Kingston .....	18
Fulton .....	1	Knox .....	2
Fultonham .....	1	Knoxboro .....	1
Fultonville .....	5	Lancaster .....	7
Gallupville .....	4	Lebanon .....	1
Garfield .....	1	Lebanon Springs .....	1
Gates .....	19	Lestershire .....	3
Geneva .....	2	Leyden .....	1
Ghent .....	8	Liberty .....	1
Gifford .....	7	Little Falls .....	28
Gilboa .....	1	Livingstonville .....	2
Glenfield .....	1	Lockport .....	37
Glenville .....	5	Lowville .....	5

TABLE XVI—Continued.

## (e) Interior Cities and Villages—Continued.

	Number of licenses.		Number of licenses.
Luzerne .....	4	Ogdensburg .....	6
Madison .....	4	Old Chatham .....	5
McConnellsville .....	1	Olean .....	10
McKinley .....	1	Onelda .....	7
McKownsville .....	1	Oneonta .....	28
Malone .....	3	Onondaga Castle .....	1
Mamaroneck .....	1	Oriskany Falls .....	34
Marcy .....	1	Oswego .....	1
Mariaville .....	1	Otego .....	1
Marshville .....	2	Owego .....	12
Massena .....	2	Palatine Bridge .....	6
Matteawan .....	1	Penn Yan .....	3
Mayfield .....	4	Perryville .....	1
Meadowdale .....	1	Philmont .....	8
Mechanicville .....	36	Pine Plains .....	1
Mellenville .....	3	Pittsford .....	1
Memphis .....	1	Plattsburg .....	13
Middleburgh .....	13	Poland .....	5
Middle Granville .....	7	Poolville .....	1
Middle Grove .....	1	Port Byron .....	5
Middletown .....	9	Portchester .....	1
Middleville .....	2	Port Dickinson .....	1
Minden .....	1	Port Jervis .....	1
Mineral Springs .....	1	Port Leyden .....	1
Mohawk .....	2	Potsdam .....	1
Mohawkville .....	1	Poughkeepsie .....	12
Monticello .....	2	Princetown .....	4
Montour Falls .....	2	Quaker Street .....	2
Montrose .....	1	Raceville .....	1
Moravia .....	1	Ravena .....	1
Morrisville .....	3	Reidsville .....	4
Mortimer .....	1	Red Hook .....	5
Mount Pleasant .....	8	Red Rock .....	4
Mount Vernon .....	5	Rensselaer .....	61
Mycenae .....	1	Rexford Flats .....	1
Napanoch .....	3	Rhinebeck .....	1
Narrowsburg .....	1	Richmondville .....	10
Nassau .....	1	Rochester .....	1,591
Newburgh .....	10	Rock City Falls .....	2
New Hartford .....	1	Rockton .....	1
New Lebanon .....	1	Rome .....	31
New Paltz .....	1	Rotterdam .....	8
New Rochelle .....	1	Round Lake .....	2
Niagara Falls .....	7	Roxbury .....	6
Niskayuna .....	3	Rural Grove .....	1
North Broadalbin .....	2	St. Johnsville .....	14
North Chatham .....	3	Salamanca .....	3
North Collins .....	3	Salem .....	14
North Germantown .....	1	Salisbury .....	1
North Hillsdale .....	3	Sandy Hill .....	23
North Manlius .....	1	Saratoga .....	45
North Tonawanda .....	7	Schenevus .....	2
Northville .....	8	Schodack Centre .....	1
Norwich .....	3	Schoharie .....	27
Norwood .....	2	Schuyler Corners .....	2
Nyack .....	2	Schenectady .....	188
Oakhill .....	2	Schuylerville .....	10

TABLE XVI—Concluded.

## (e) Interior Cities and Villages—Concluded.

	Number of licenses.		Number of licenses.
Scott .....	1	Walden .....	2
Seneca Falls .....	22	Walker Valley .....	1
Seward .....	2	Wawarsing .....	2
Sharon Hill .....	1	Warners .....	1
Sharon Springs .....	4	Warnersville .....	1
Shushan .....	5	Warrensburgh .....	7
Sidney .....	8	Waterford .....	17
Sing Sing .....	3	Waterloo .....	1
Sloan .....	1	Watertown .....	82
Sloansville .....	11	Watervliet .....	49
Solsville .....	1	Waterville .....	1
South Berne .....	1	Watkins .....	4
South Columbia .....	4	Waverly .....	13
South Glens Falls .....	7	Wayland .....	6
South Granville .....	1	Weedsport .....	3
South Hartford .....	1	Wellsville .....	4
Spencerport .....	2	West Berne .....	7
Spencertown .....	4	West Copake .....	2
Sprakers .....	1	West Day .....	1
Spring Glen .....	1	West Eaton .....	2
Spring Valley .....	1	West Fulton .....	4
Staatsburg .....	1	West Lebanon .....	1
Stillwater .....	9	West Milton .....	1
Stockport .....	1	West New Brighton .....	1
Stottville .....	1	West Schuylcr .....	9
Stittville .....	1	West Seneca .....	4
Summit .....	8	West Taghkanic .....	1
Syracuse .....	268	West Webster .....	1
Three Mile Bay .....	3	Westerlo .....	6
Ticonderoga .....	2	Westville .....	1
Tonawanda .....	25	Whitehall .....	19
Troy .....	306	Whitelaw .....	1
Trumansburg .....	2	Whitesboro .....	4
Tupper Lake .....	1	Williamsville .....	2
Turin .....	1	Windsor .....	1
Tusten .....	1	Woodard .....	1
Unadilla .....	12	Worcester .....	3
Union .....	1	Yonkers .....	6
Utica .....	510	Yorkville .....	2
Valatie .....	2		
Victor .....	1	Total .....	7,717
Victory Mills .....	8		
Vintonton .....	1		



TABLE XVII.—MINES AND

LOCALITY AND FIRM NAME.	Material mined or quarried.	Number of inspections.	MINES OR QUARRIES.	
			Total number.	In operation.
I-I. STONE.				
Chenango County.				
NORWICH.				
Conroy, Daniel.....	Bluestone.....	1	1	1
Conroy, Daniel & Co.....	Bluestone.....	1	1	1
Riley, Patrick H.....	Bluestone.....	1	1	1
Woods, Theodore (Norwich Bluestone Co.).....	Bluestone.....	1	1	1
OXFORD.				
Clark Bluestone Co.....	Bluestone.....	1	1	1
Columbia County.				
HUDSON.				
Hudson Portland Cement Co.....	Limestone and shale...	1	2	2
Dutchess County.				
SOUTH DOVER.				
South Dover Marble Co.....	Marble.....	1	1	1
Erie County.				
AKRON.				
Akron Stone Co.....	Flint and limestone....	1	1	1
BUFFALO.				
Appenheimer, John E.....	Flint and limestone...	1	1	1
Barber Asphalt Paving Co.....	Flint and limestone...	1	1	1
Gehers Stone Quarries.....	Flint and limestone...	1	5	3
Rupp, John A.....	Flint and limestone...	1	1	1
Schrier, Sebastian (late Schrier & Voisard).....	Flint and limestone...	1	2	2
Genesee County.				
LEROY.				
Empire Limestone Co.....	Limestone.....	1	1	1
General Crushed Stone Co.....	Flint and limestone...	1	2	2
Greene County.				
ALSEN'S.				
Alsen's American Portland Cement Co.....	Limestone.....	1	1	1
SMITH'S LANDING.				
Catskill Portland Cement Co.....	Limestone.....	1	1	1
Onondaga County.				
DEWITT.				
Alvord, A. E.....	Limestone.....	1	1	1
Alvord, E. B., & Co.....	Limestone†.....	1	1	1
Jamesville Milling Co. (late Robt. Dunlop & Co.)....	Limestone†.....	1	1	1
MANLIUS.				
Behan, James, Estate.....	Limestone†.....	1	1	1
ONONDAGA.				
Britton, E.I. ....	Limestone.....	1	1	1

\* Power obtained from mill boilers.

## QUARRIES INSPECTED.

EMPLOYEES ON PAY ROLL.			Daily hours of labor.	BOILERS.		ENGINES.		Orders.	Compliances.
Total number.	Boys 16-18 years.	Boys 14-16 years.		Number.	Horse-power.	Number.	Horse-power.		
30			10						
5			10						
3	1		10						
15		1	9½						
37		2	10	1	36	1	30		
39			10	1	15	1	15		
50			10	3	300				
80	2	1	10	1	80			Remove powder magazine to a safer locality. Discharge boy under 16 years of age without certificate.	
3	1		10						
40	3		10	1	25	1	25	Report accident. Pay wages weekly.	
75			10	3	60	3	60		
10			10	1	50	1	35	Tip tamping bars with 6 inches of copper.	
12			10	2	36	2	36	Tip tamping bars with 6 inches of copper.	
								Post noonday permit. ....	Complied.
120		2	10	*				Discharge two boys under 16 years without certificates. Obtain noonday permit. ....	Complied
140	2		10	*				Report accident. ....	Complied.
50			10	†					
40			10						
24			10	3	135	2	41	Inspect boilers. Guard main drive pulley and belt in engine room.	
4			10						
20			10						
5			10						
10			10	1	125	2	120		

† Electricity. ‡ Also cement rock. || Locomotives.



Table XVII.—Continued.

LOCALITY AND FIRM NAME.	Material mined or quarried.	Number of inspections.	MINES OR QUARRIES.	
			Total number.	In operation.
I-I. STONE—Continued.				
Onondaga County—Continued.				
SPLIT ROCK.				
Solvay Process Co. ....	Limestone. ....	1	1	1
Orleans County.				
ALBION.				
Bartell & Hebner. ....	Medina sandstone. ....	1	1	1
Cleary and Crowther. ....	Medina sandstone. ....	1	1	1
Filkins, S. E. ....	Medina sandstone. ....	1	1	1
Filkins, Stanley E. ....	Medina sandstone. ....	1	1	1
Medina Quarry Co. (Newsom). ....	Medina sandstone. ....	1	1	1
Medina Quarry Co. (DeGraff & Roberts) ....	Medina sandstone. ....	1	1	1
Medina Quarry Co. (Goodrich). ....	Medina sandstone. ....	1	1	1
Medina Quarry Co. (Brady). ....	Medina sandstone. ....	1	3	3
Reed, Allen & Reid. ....	Medina sandstone. ....	1	6	6
Ryan, M. A. ....	Medina sandstone. ....	1	1	1
MEDINA.				
Medina Quarry Co. (McCormick) ....	Medina sandstone. ....	1	3	7
MURRAY.				
Gorman, C. A. ....	Medina sandstone. ....	1	1	1
Medina Quarry Co. (O'Brien) ....	Medina sandstone. ....	1	1	1
Medina Quarry Co. (Keyes) ....	Medina sandstone. ....	1	1	1
Medina Quarry Co. (Cornwall) ....	Medina sandstone. ....	1	1	1
Medina Quarry Co. (Tom X) ....	Medina sandstone. ....	1	1	1
Orleans Sandstone Co. ....	Medina sandstone. ....	1	2	2
Squire, A. J. (A. J. Squire & Son). ....	Medina sandstone. ....	1	1	1
Vincent & Co. (Jones & Co.) ....	Medina sandstone. ....	1	1	1
Vincent & Co. ....	Medina sandstone. ....	1	1	1
RIDGEWAY.				
Barber, Robert. ....	Medina sandstone. ....	1	1	1
Filkins, Stanley E. ....	Medina sandstone. ....	1	1	1
Gorman, Charles A. ....	Medina sandstone. ....	1	1	1
Le Valley Medina Stone Co. ....	Medina sandstone. ....	1	1	1
Schoharie County.				
HOWE'S CAVE.				
Helderberg Cement Co. ....	Limestone. ....	1	1	1
St. Lawrence County.				
GOUVERNEUR.				
Belding, Milo M. ....	Marble. ....	1	1	1
Gouverneur Marble Co. (late St. Lawrence) ....	Marble. ....	1	1	1
Northern New York Marble Co. ....	Marble. ....	1	2	2
Eylstone Co. ....	Marble. ....	1	1	1
White Crystal Marble Co., The. ....	Marble. ....	1	1	1
Whitney, D. J. Co. (late Empire Marble Co.) ....	Marble. ....	1	1	1
Warren County.				
GLENS FALLS.				
Finch, Pruyn & Co., Incorporated (late Glens Falls Co.) ....	Limestone and marble. ....	1	3	3
Glens Falls Portland Cement Co. ....	Limestone. ....	1	1	1

\* Both mill and mine.

# REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

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Mines and Quarries Inspected.

EMPLOYEES ON PAY ROLL.			Daily hours of labor.	BOILERS.		ENGINES.		Orders.	Compli-ances.
Total number.	Boys 16-18 years.	Boys 14-16 years.		Num-ber.	Horse-power.	Num-ber.	Horse-power.		
15	2		10&11	3	300	3	305		
16			10	1	12	1	12		
25			10	1	10	1	10		
10			10						
60			10	2	22	2	22	Inspect boilers.	
50			10	1	12	1	12		
150			10	3	75	3	75		
105	1		10	3	50	3	50	Report accident.....	Complied.
186			10	2	30	2	30	Report accident.....	Complied.
60	1		10	2	20	2	20		
28			10	2	50	2	50	Inspect boilers.	
100			10	3	50	3	50		
12			10	1	12	1	12	Provide suitable power house safe distance. Tip tamping bars with 6 inches corner.	
50			10	3	60	3	50		
25			10	1	16	1	16		
74			10	4	50	4	50		
38			10	2	35	2	35		
53			8 & 10	2	28	2	28		
16			10	4	100	4	100		
33			10	2	32	2	32	Inspect boilers. Tip tamping bars with 6 inches corner. Report accident	Complied.
24			10	1	12	1	12		
11			10						
35			10	2	20	2	20	Inspect boilers.	
22			10	1	20	1	20	Inspect boilers.	
18			10						
35			*10						
12			10	2	120	2	60		
15			10	1	50			Inspect boiler.....	Complied.
33			10	2	100	1	15		
10			10						
8			10	2	25	2	25		
10			10	1	25				
60			*10&12					Tip tamping bars with 6 inches of copper. Report accidents.	Complied.
40	1		10	1	25			Discharge boy under 16 years without certificate.	Complied.

‡ Night hands 11 hours.

Table XVII.—Continued.

LOCALITY AND FIRM NAME.	Material mined or quarried.	Number of inspections.	MINES OR QUARRIES.	
			Total number.	In operation.
I-1. STONE—Continued.				
Washington County.				
GRANVILLE.				
Algonquin Red Slate Co. ....	Red slate. ....	1	1	1
Allen and Williams. ....	Red slate. ....	1	1	1
Bonanza Slate Co. ....	Black slate. ....	1	1	1
Cambris Slate Co. ....	Greene and variegated slate. ....	1	1	1
Granville Slate Co. ....	Black slate. ....	1	1	1
Hughes & Co. ....	Green and variegated slate. ....	1	1	1
Mathews Slate Co. (Flaherty). ....	Red slate. ....	1	1	1
Mathews Slate Co. (Eagle). ....	Red slate and mill stock. ....	1	1	1
Mathews Slate Co. (Empire Green) . . . . .	Green and purple slate. ....	1	1	1
O'Brien, John W. ....	Green, variegated and purple slate. ....	1	1	1
Williams, Gormer. ....	Green, variegated and purple slate. ....	1	1	1
WHITEHALL.				
Mathews Slate Co. (National). ....	Red slate. ....	1	1	1
Total—Stone. ....		68	88	86
I-2. GRAPHITE, ROCK SALT, ETC.				
Essex County.				
CROWN POINT.				
Columbia Graphite Co. ....	Graphite ore. ....	1	1	1
TICONDEROGA.				
International Mineral Co. (late Ticonderoga Mining and Milling Co.) . . . . .	Feldspar, mica and quartz. ....	1	1	1
Livingston County.				
YORK.				
Retsaf Mining Co. ....	Rock salt. ....	1	1	1
St. Lawrence County.				
GOUVERNEUR.				
Adirondack Pyrite Co. ....	Iron pyrites (mined for sulphur). ....	1	1	1
Warren County.				
HAGUE.				
American Graphite Co. ....	Graphite ore. ....	1	1	1
Washington County.				
WHITEHALL.				
Adirondack Graphite Mining and Milling Co. ....	Graphite. ....	1	1	1
Eddy & Wetherell Co. ....	Sienna. ....	1	2	2
Total—Talc Graphite, Etc. ....		7	8	8

\* 12 hours work on kilns. † Boiler sold.

## REPORT OF BUREAU OF FACTORY INSPECTION, 1904.

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## Mines and Quarries Inspected.

EMPLOYEES ON PAY ROLL.			Daily hours of labor.	BOILERS.		ENGINES.		Orders.	Compliance.
Total number.	Boys 16-18 years.	Boys 14-16 years.		Number.	Horse-power.	Number.	Horse-power.		
20	1		10	1	80	2	40	Inspect boiler.	Complied.
16			10	1	20	1	20	Inspect boiler.	
6			10	1	60	1	35	Inspect boiler	
6			10	1	14				†
7			10	1	50	1	35	Inspect boiler.	Complied.
3			10						
10			10	1	30	1	30	Obtain noonday permit. Inspect boiler.	Complied.
13		1	10	2	55	1	30	Discharge boy under 16 years without certificate. Remove loose rock from side and above workings.	Complied.
18		1	10	1	40	2	50	Report accidents. Remove hanging rock from foot at point near where accident occurred. Discharge boy under 16 years without certificate.	Complied.
14			10	1	30	1	40	Inspect boiler.	Complied.
13	2	1	10	1	21			Discharge boy under 16 years without certificate.	Complied.
18			10	1	75	3	60	Inspect boiler. Obtain noon-day permit.	Complied
2,695	17	9		84	2,692	77	1,813		
12			10	1	25	1	25	Provide ladder or treads with hand rail for manway.	Complied.
16			10	1	25	1	25		
150			10½	6	1,500	6	1,400		
40			10	1	35			Report accidents. Tip tamping bars with six inches copper, or use wood. Erect not less than five heavy standards of timber to protect hanging wall in incline, as designated to the general manager.	Complied.
35			10	§				Report accident.	Complied.
3			10	§1	60	1	50	Inspect boiler.	
6			10	1	15	1	15	Increase and strengthen timbering in incline No. 2 and at other points designated to the superintendent.	Complied.
262				11	1,660	10	1,515		

† Night hands work 9½ hours. § Mill and quarries.

Table XVII.—Continued.

LOCALITY AND FIRM NAME.	Material mined or quarried.	Number of inspections.	MINES OR QUARRIES.	
			Total number.	In operation.
I. 3b. CEMENT.				
Erie County.				
AKRON.				
Akron Cement Works.....	Cement rock.....	1	1	1
Cummings Cement Co.....	Cement rock.....	1	1	1
Newman, H. L. and W. C.....	Cement rock.....	1	1	1
BUFFALO.				
Buffalo Cement Co., Ltd.....	Cement rock.....	1	3	3
Schoharie County.				
HOWE'S CAVE.				
Helderburg Cement Co.....	Cement rock.....	1	1	1
Ulster County.				
KINGSTON (ROXBURY).				
Newark Lime and Cement Mfg. Co.....	Cement rock.....	1	3	3
ROSENDALE.				
Consolidated Rosendale Cement Co. (Norton Upper)...	Cement rock.....	1	1	1
Consolidated Rosendale Cement Co. (Norton Lower)...	Cement rock.....	1	1	1
Consolidated Rosendale Cement Co. (No. 1, Lawrence)	Cement rock.....	1	1	1
Consolidated Rosendale Cement Co. (No. 3, Hoffman)	Cement rock.....	1	1	1
Consolidated Rosendale Cement Co. (Beach).....	Cement rock.....	1	1	1
Consolidated Rosendale Cement Co. (No. 2, Lawrence)	Cement rock.....	†	1	1
New York Cement Co.....	Cement rock.....	1	3	3
Snyder, A. J. & Sons.....	Cement rock.....	1	2	2
Total—Cement .....		13	20	20
I. 3c. GYPSUM.				
Genesee County.				
OAKFIELD.				
Oakfield Plaster Mfg. Co.....	Gypsum.....	1	1	1
Monroe County.				
GARBUTT.				
Garbutt Gypsum Co*.....	Gypsum.....	1	1	1
Lycorning Calcining Co.....	Gypsum.....	1	4	3
WHEATLAND.				
Consolidated Wheatland Plaster Co.....	Gypsum.....	1	1	1

\*Both mill and mining.

## Mines and Quarries Inspected.

EMPLOYEES ON PAY ROLL.			Daily hours of labor.	BOILERS.		ENGINES.		Orders.	Compliances.
Total number.	Boys 16-18 years.	Boys 14-16 years.		Number.	Horse-power.	Number.	Horse-power.		
12	1	1	10	*				Discharge boy under 16 with certificate.	Complied.
25			10	3	150	3	150	Report accident.....	Complied
19	1		10	*					
120	3		10	16	500	5	400	Report accident.....	Complied.
10			10	*				Reduce distance between pillars to not more than 40 feet in future work.	Complying
45			10	3	230	3	205		
35			10	2	120	1	90		
33			10	2		1			
60			10	5	460	2	400		
58	2		10	2	125	3	135		
80			10	*1	15	1	15		
37			10	*6	1,000	3	1,000		
42			10	1	100	1	100		
576	7	1		41	2,700	23	2,495		
16			10					† Properly guard elevator (hoisting) shaft on ground floor. Tip tamping bars with 6 inches of copper. Obtain noonday permit.	Complied.
40			10	1	70	2	54	Obtain noonday permit.....	Complied.
40			10	1	50	2	40	Obtain noonday permit.....	Complied.
12			10			†		Renew roof over entrance to shaft, first floor.	Complied.
								Obtain noonday permit. ....	Complied.
22			10	†					
30			10					Erect two or more pillars of solid masonry (limestone & Portland cement), dimensions not less than 8x10 feet, and reaching from foot to hanging wall. Locate them on each side of track leading from tunnel entrance, and in the section where the old workings have left the hanging wall without the support of pillars of natural rock.	Complied

† Temporarily closed.

† Gasoline.

Table XVII.—Concluded.

LOCALITY AND FIRM NAME.	Material mined or quarried.	Number of inspections.	MINES OR QUARRIES.	
			Total number.	In operation.
I. 3c. GYPSUM—Continued.				
Cnondaga County.				
DEWITT.				
National Wall Plaster Co.....	Gypsum.....	1	1	1
Total—Gypsum.....		7	10	9
II. IRON AND ZINC MINES.				
Clinton County.				
ARABLE.				
Arnold Mining Co. (North Pit).....	Magnetic ore.....	1	1	1
Arnold Mining Co. (South Pit).....	Magnetic ore.....	1	1	1
LYON MOUNTAIN.				
Delaware & Hudson Co..... (Chateaugay Ore & Iron Dept.)	Magnetic ore.....	1	6	6
Dutchess County.				
AMENIA.				
Barnum, C. W. (late Amenia Mining Co.).....	Brown hematite.....	1	1	1
DOVER FURNACE.				
Copake Iron Co.....	Brown hematite.....	*		
Essex County.				
MINEVILLE.				
Port Henry Iron Ore Co. (21 shaft).....	Magnetic ore.....	1	1	1
Witherbee, Sherman & Co. (Bonanza).....	Magnetic ore.....	1	1	1
Witherbee, Sherman & Co. ("A" shaft).....	Magnetic ore.....	1	1	1
Witherbee, Sherman & Co. ("B" shaft).....	Magnetic ore.....	1	1	1
Witherbee, Sherman & Co. (Smith shaft).....	Magnetic ore.....	1	1	1
Witherbee, Sherman & Co. (Upper and Lower "Joker").....	Magnetic ore.....	1	2	2
Total—Iron.....		10	16	16
Ulster County.				
ELLENVILLE.				
Ellenville Zinc Mine.....	Zinc and copper.....	1	1	1
GRAND TOTAL.....		106	143	141

\* Temporarily closed. † Air engine.

